



Journal of the Senate

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CALL TO ORDER

The Senate was called to order by President Atwater at 11:00 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	

Excused: Senator Hill at 4:32 p.m.

PRAYER

The following prayer was offered by Senator Gelber:

With sunset this evening those of my faith will begin their Sabbath, and the torah portion we will read tomorrow is known in the Jewish tradition as *Kedoshim*. Interestingly, it is the exact center of the torah - the midpoint - and it falls precisely on Leviticus, Chapter 19. Biblical scholars have referred to this chapter as the Holiness Code. Among its dozens of instructions that seek to reinforce the notion that God is in the details, is its most important provision: 'Love your neighbor as yourself.' Indeed, this chapter of the Bible is the origin of what most know as the Golden Rule.

Join me, Members, as we call upon the teachings of *Kedoshim*.

God, as we enter the final days and hours of session, please help us recognize that acting with grace and compassion is not an option, it is a commandment.

Give us the strength to resist our lesser impulses, and the clarity to recognize that a righteous path is built upon a mosaic of good deeds and choices, however large or small.

And as we debate and cast our franchise, help us keep from our judgments the faults of vanity, self-promotion and personal animus, allowing us to instead guide all decisions with the simple yet elegant decree to love one another as we would love ourselves. Amen.

PLEDGE

Senate Pages JhaRonte James, Darren M. Thedieck, and Hannah Ciupalo all of Tallahassee; and Demi T. Busatta of Cape Coral, 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. Walter B. Flesner III of Cape Coral, sponsored by Senator Fasano, as doctor of the day. Dr. Flesner specializes in Family Practice.

ADOPTION OF RESOLUTIONS

At the request of Senator King—

By Senator King—

SR 2740—A resolution recognizing the week of June 21-27, 2009, as “Humane Society Appreciation Week” in Florida.

WHEREAS, there are currently 48 humane societies in the State of Florida, serving 40 counties in the struggle with domestic animal overpopulation, and

WHEREAS, humane societies work to promote animal adoption and education, eliminate animal overpopulation, prevent animal cruelty, and relieve animal suffering, and

WHEREAS, humane societies have diligently served many Florida communities for as many as 45 years, and

WHEREAS, the estimated population of more than 800,000 unwanted and stray animals euthanized in Florida each year constitutes a potential health risk for rabies and other contagious diseases in this state, and

WHEREAS, in 2008, humane societies served to locate permanent homes for many thousands of unwanted animals and promoted regional spay/neuter campaigns as a preventive and responsible measure for controlling the animal overpopulation in Florida, and

WHEREAS, humane societies are staffed by an estimated 12,000 Florida residents who unselfishly volunteer their time, energy, and expertise, NOW, THEREFORE,

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

That the week of June 21-27, 2009, is recognized as “Humane Society Appreciation Week.”

—**SR 2740** was introduced, read and adopted by publication.

At the request of Senator Joyner—

By Senator Joyner—

SR 2812—A resolution remembering Sam Horton as a champion of equal opportunity for all in the Hillsborough County public school district and for his dedication as a teacher, administrator, and education reformer.

WHEREAS, Sam Horton was born in historic Bealsville, an East Hillsborough County community settled by a dozen former slaves, and

WHEREAS, Sam Horton attended Hillsborough County public schools, graduating from Marshall High School in 1945, and

WHEREAS, Sam Horton earned a bachelor's degree in education at age 19 from Florida A & M College, and went on to earn his master's degree from Florida State University, and his Ph.D. from Nova University, and

WHEREAS, Sam Horton worked in the Hillsborough County School District for more than 42 years, first as an English teacher and later as a coach and principal, and

WHEREAS, in 1978, Sam Horton became Hillsborough County's first black general director for secondary education, and

WHEREAS, Sam Horton consistently demonstrated his commitment to improving the quality of life and education for all students in the Hillsborough County public school district, and

WHEREAS, in an effort to bring more African-American educators to Hillsborough County, Sam Horton established a local chapter of the National Alliance of Black School Educators, and

WHEREAS, Sam Horton served in the leadership of the NAACP and remained committed in his opposition to practices and policies that might have resulted in more segregated schools, NOW, THEREFORE,

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

That Sam Horton be remembered as a champion of equal opportunity for all in the Hillsborough County public school district and for his dedication as a teacher, administrator, and education reformer.

—**SR 2812** was introduced, read and adopted by publication.

At the request of Senator Crist—

By Senator Crist—

SR 2814—A resolution recognizing the accomplishments of the University of South Florida Bulls women's basketball program and commending the 2008-2009 team and coaching staff on winning the Women's National Invitation Tournament Title.

WHEREAS, Florida's universities offer a world of opportunity to young men and women through intercollegiate sports, and

WHEREAS, student athletes enrolled in the University of South Florida benefit from a quality academic experience and top-level athletic competition, and

WHEREAS, the USF Women's Basketball Team competes in the nation's premier college basketball conference, the Big East Athletic Conference, and

WHEREAS, Head Coach Jose Fernandez and the 2008-2009 players, Crystal Ayers, Melissa Dalembert, Brittany Denson, Shantia Grace, Porche Grant, Jessica Lawson, Ashley Sanders, Jazmine Sepulveda, Allyson Speed, Janae Stokes, Kelsey Varney, and Jasmine Wynne completed the most successful season in the program's history, setting a record for most wins in a season, and

WHEREAS, the University of South Florida Women's Basketball Team won more games during the 2008-2009 season than any other Florida NCAA Division I college basketball program, with the Green-and-Gold ranking in the top five in the nation in scoring throughout the season, averaging 78 points per game, and

WHEREAS, Head Coach Jose Fernandez has recorded the most career wins by a head basketball coach in the program's history, and

WHEREAS, on Saturday, April 4, 2009, the University of South Florida captured the Women's National Invitation Tournament Title, defeating the University of Kansas by a final score of 75-71, and

WHEREAS, Sarasota's own Senior Guard Shantia Grace, a First-Team All-Big East performer during the regular season, was named the Most Valuable Player of the Women's National Invitation Tournament, and

WHEREAS, the USF Women's Basketball Team and their fine Bulls coaching staff stand tall as yet another reason for Bull Pride for the more than 4 million people in USF's 10-county Tampa Bay service area and in the State of Florida, NOW, THEREFORE,

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

That the members of the Florida Senate recognize the profound accomplishments of the University of South Florida Bulls Women's Basketball program, commend the 2008-2009 team and coaching staff for this championship run, and express gratitude for the honor that the team has brought to the state.

—**SR 2814** was introduced, read and adopted by publication.

At the request of Senator Dean—

By Senator Dean—

SR 2820—A resolution recognizing the value of animal agribusiness to the State of Florida.

WHEREAS, Florida's food production animal agribusiness is an important part of Florida agriculture and Florida's sustainable future, and

WHEREAS, farmers and ranchers have been caretakers of food production animals throughout Florida's history, and

WHEREAS, the market value of Florida poultry, beef, dairy, goat, and sheep animal agribusiness products sold in 2007 was approximately \$1.3 billion, contributing significantly to Florida's food supply, consumer products, and its value-added impacts, and

WHEREAS, producing food locally for Florida's population contains food costs, reduces energy usage, promotes sustainability, and provides employment for Floridians, and

WHEREAS, the food production animal agribusiness sector is important to conserving Florida's green space, and

WHEREAS, Florida's food production animal agribusiness producers are committed to the safety of the food supply, and

WHEREAS, Florida agriculture is under extreme pressure from development, environmental regulations, production costs, taxation, drought, and urban encroachment, NOW, THEREFORE,

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

That the members of the Senate value the state's food production animal agribusiness, wish to protect the long-term viability and sustainability of the industry in Florida, are committed to food safety, and believe food production animal agribusiness has an important place in Florida's history and future.

—**SR 2820** was introduced, read and adopted by publication.

At the request of Senator Bennett—

By Senators Bennett and Aronberg—

SR 2824—A resolution urging the Congress of the United States to direct the Environmental Protection Agency to provide federal resources to the Florida Department of Health for the purpose of assessing the impact of imported drywall on human health and public safety.

WHEREAS, the Florida Senate specifically recognizes that Florida consumers should be protected from inferior building products, including imported drywall, containing potentially hazardous materials that may affect one's health resulting from exposure to chemicals or compounds found in imported drywall, and

WHEREAS, the Florida Department of Health is currently identifying and assessing potential human health hazards related to the rapid and recurring corrosion of metals inside homes, and

WHEREAS, this phenomenon is suspected to be associated with the presence of imported drywall in homes built since 2003, and

WHEREAS, at least one study found distinct differences between drywall manufactured in the United States and that manufactured in China, and that the imported drywall contained traces of strontium sulfide inclusions, contained more organic materials than the domestic drywall, and was found to release sulfur compounds and noticeable odor after exposure to moisture, and

WHEREAS, the Florida Senate encourages the Florida Department of Health to work with the Environmental Protection Agency in researching whether imported drywall may cause health hazard concerns, and

WHEREAS, it is the intent of the Florida Senate that the Florida Department of Health quantify the use of defective drywall in Florida homes and potential health and safety concerns for occupants and structures; determine whether public health and home safety issues are present through laboratory testing and health survey data; and develop a comprehensive response to address the full range of concerns raised by Florida residents living in homes constructed with this drywall, and

WHEREAS, the Florida Senate intends that the Florida Building Commission develop comprehensive consumer protection and mitigation strategies and provide guidance for the remediation and repair of homes containing imported drywall, NOW, THEREFORE,

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

That the Congress of the United States is requested to direct the Environmental Protection Agency to provide assistance and support the Florida Department of Health in accessing federal resources to assess the impact of imported drywall on human health and public safety.

BE IT FURTHER RESOLVED that copies of this resolution be dispatched to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

—**SR 2824** was introduced, read and adopted by publication.

At the request of Senator Hill—

By Senator Hill—

SR 2826—A resolution recognizing the tireless work of Paul Vásquez on behalf of the working people of Florida and expressing condolences to his family and friends on his untimely death.

WHEREAS, Paul Vásquez, was born in San Antonio, Texas, the son of Mexican immigrants, and grew up working in the migrant camps of Michigan beside his parents and siblings, and

WHEREAS, Paul Vásquez at an early age developed a strong work ethic and a great desire to speak out against discrimination and injustice anywhere he saw it, and

WHEREAS, prior to his service as Florida field director for the AFL-CIO, Paul Vásquez served as the first Hispanic city councilman elected in Flint, Michigan, where he sponsored a series of initiatives aimed at enhancing the lives of the state's Hispanic residents, and

WHEREAS, one of Paul Vásquez' proudest achievements was passage by the city council of a measure that won Flint the distinction of becoming the first city in the nation to name a street after labor leader César Chávez, and

WHEREAS, Paul Vásquez drew strength from his faith and from the words of his hero, Chávez, who said, "There is no turning back. We will win. We are winning because ours is a revolution of mind and heart." NOW, THEREFORE,

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

That the Senate pays tribute to the tireless work of Paul Vásquez on behalf of the working people of Florida and expresses condolences to his family and friends on his untimely death.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Mrs. Gloria Vásquez, widow of Paul Vásquez, as a tangible token of the sentiments of the Florida Senate.

—**SR 2826** was introduced, read and adopted by publication.

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 414, with Amendment 1, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

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

House Amendment 1 (023449) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Section 406.61, Florida Statutes, is amended to read:

406.61 Selling, buying, or conveying bodies outside state prohibited; exceptions, penalty.—

(1) Any person who ~~sells shall sell or buys buy~~ any body or parts of bodies as described in this chapter or any person except a recognized Florida medical or dental school who ~~transmits shall transmit or conveys convey or causes cause~~ to be transmitted or conveyed such body or parts of bodies to any place outside this state ~~commits is guilty of~~ a misdemeanor of the first degree, punishable as provided in ss. 775.082 and 775.083. However, ~~nothing in this chapter does not prohibit shall be construed as prohibiting~~ the anatomical board from transporting human specimens outside the state for educational or scientific purposes or ~~prohibit as prohibiting~~ the transport of bodies, parts of bodies, or tissue specimens in furtherance of lawful examination, investigation, or autopsy conducted pursuant to s. 406.11. Any person, institution, or organization that conveys bodies or parts of bodies into or out of the state for medical education or research purposes shall notify the anatomical board of such intent and receive approval from the board.

(2) Any entity accredited by the American Association of Museums may convey plastinated bodies or parts of bodies into or out of the state for exhibition and public educational purposes without the consent of the board if the accredited entity:

(a) Notifies the board of the conveyance and the duration and location of the exhibition at least 30 days before the intended conveyance.

(b) Submits to the board a description of the bodies or parts of bodies and the name and address of the company providing the bodies or parts of bodies.

(c) Submits to the board documentation that each body was donated by the decedent or his or her next of kin for purposes of plastination and public exhibition, or, in lieu of such documentation, an affidavit stating that each body was donated directly by the decedent or his or her next of kin for such purposes to the company providing the body and that such company has a donation form on file for the body.

(3) *Notwithstanding paragraph (2)(c) and in lieu of the documentation or affidavit required under paragraph (2)(c), for a plastinated body that, before July 1, 2009, was exhibited in this state by any entity accredited by the American Association of Museums, such an accredited entity may submit an affidavit to the board stating that the body was legally acquired and that the company providing the body has acquisition documentation on file for the body. This subsection expires January 1, 2012.*

Section 2. This act shall take effect July 1, 2009.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to the conveyance of bodies into or out of the state; amending s. 406.61, F.S.; authorizing certain accredited entities to convey plastinated bodies or parts of bodies for certain purposes; requiring such accredited entities to provide prior notification to the anatomical board and submit certain information and documentation to the board; authorizing such accredited entities to submit an affidavit containing specified information in lieu of such documentation for certain plastinated bodies; providing for future expiration; providing an effective date.

On motion by Senator Crist, the Senate concurred in the House amendment.

CS for SB 414 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was 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
Deutch	Lawson	Wilson
Dockery	Lynn	Wise

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 926, with Amendment 1, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

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

House Amendment 1 (449951) (with title amendment)—Between lines 27 and 28, insert:

Section 2. Paragraph (a) of subsection (22) of section 497.005, Florida Statutes, is amended to read:

497.005 Definitions.—As used in this chapter:

(22) "Cremation container" means the casket or alternative container in which the human remains are transported to and placed in the cremation chamber for a cremation. A cremation container should meet substantially all of the following standards:

(a) Be composed of readily combustible or consumable materials suitable for cremation.

Section 3. Paragraph (h) of subsection (9) of section 497.606, Florida Statutes, is amended to read:

497.606 Cinerator facility, licensure required; licensing procedures and criteria; license renewal; regulation.—

(9) REGULATION OF CINERATOR FACILITIES.—

(h) Each cinerator facility shall ensure that all alternative containers, cremation containers, or caskets used for cremation contain no amount of chlorinated plastics not authorized by the Department of Environmental Protection, that they also are composed of readily combustible or consumable materials suitable for cremation, able to be closed to provide a complete covering for the human remains, resistant to leakage or spillage, rigid enough for handling with ease, and able to provide for the health, safety, and personal integrity of the public and crematory personnel.

And the title is amended as follows:

Remove line 10 and insert: F.S.; amending ss. 497.005 and 497.606, F.S.; revising requirements for the material composition of cremation containers; providing an effective date.

On motion by Senator Altman, the Senate concurred in the House amendment.

CS for CS for SB 926 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was 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
Deutch	Lawson	Wilson
Dockery	Lynn	Wise

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for CS for SB 2626, with Amendments 1 and 2, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

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.

House Amendment 1 (603747)—Remove line 419 and insert: *provided in paragraph (2)(c) and subsection (3).* ~~However, for purposes of this~~

House Amendment 2 (325079)—Remove lines 435-438 and insert: ~~therein.~~ There shall be a flat-rate pricing option for multi-line business local exchange service, and mandatory measured service for multi-line business local exchange service shall not be imposed. ~~Nothing contained in This chapter does not section~~

On motion by Senator Haridopolos, the Senate concurred in the House amendments.

CS for CS for SB 2626 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—36

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

Nays—2

Fasano Storms

Vote after roll call:

Yea—Diaz de la Portilla, Garcia

Yea to Nay—Crist, Dean

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

SPECIAL ORDER CALENDAR

On motion by Senator Wilson, by two-thirds vote **HB 807** was withdrawn from the Committees on Health Regulation; and Health and Human Services Appropriations; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Wilson—

HB 807—A bill to be entitled An act relating to the Florida Kidcare program; requiring the Office of Program Policy Analysis and Government Accountability to perform a study of the outreach efforts of the Florida Kidcare program; providing requirements for the study; requiring a report to the Legislature by a specified date; providing an effective date.

—a companion measure, was substituted for **SB 338** and read the second time by title.

On motion by Senator Wilson, by two-thirds vote **HB 807** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Vote after roll call:

Yea—Deutch

On motion by Senator Smith, by two-thirds vote **CS for CS for HB 293** was withdrawn from the Committees on Transportation; Judiciary; and Transportation and Economic Development Appropriations.

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

CS for CS for HB 293—A bill to be entitled An act relating to motor vehicle and mobile home title transfer; amending s. 319.22, F.S.; revising provisions for limitation of liability for the operation of a motor vehicle that has been sold or transferred; providing requirements for notice of transfer to the Department of Highway Safety and Motor Vehicles; requiring an owner or coowner who has made a sale or transfer of a motor vehicle to notify the department; providing requirements for such notification; providing applicability; requiring the department to provide certain information to the motor vehicle owner or coowner when issuing a certificate of title; amending s. 319.33, F.S.; providing alternate dis-

position procedures for certain motor vehicles and mobile homes abandoned on private property; providing for issuance by the department of a replacement vehicle identification number; providing an effective date.

—a companion measure, was substituted for **CS for SB 906** and by two-thirds vote read the second time by title.

Senator Smith moved the following amendment which was adopted:

Amendment 1 (708796) (with title amendment)—Delete lines 86-117.

And the title is amended as follows:

Delete lines 13-17 and insert: title; providing an effective date.

MOTION

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

Senator Smith moved the following amendment which was adopted:

Amendment 2 (943960) (with title amendment)—Delete line 118 and insert:

Section 3. Subsection (17) is added to section 320.02, Florida Statutes, to read:

320.02 Registration required; application for registration; forms.—

(17) *If any applicant's name appears on a list of persons who may not be issued a license plate, revalidation sticker, or replacement license plate after a written notice to surrender a vehicle was submitted to the department by a lienor as provided in s. 320.1316, the department may withhold renewal of registration or replacement registration of any motor vehicle owned by the applicant at the time the notice was submitted by the lienor. The lienor must maintain proof that written notice to surrender the vehicle was sent to each registered owner pursuant to s. 320.1316(1). A revalidation sticker or replacement license plate may not be issued until that person's name no longer appears on the list or until the person presents documentation from the lienor that the vehicle has been surrendered to the lienor. The department shall not withhold an initial registration in connection with an applicant's purchase or lease of a motor vehicle solely because the applicant's name is on the list created by s. 320.1316.*

Section 4. Subsection (10) is added to section 320.03, Florida Statutes, to read:

320.03 Registration; duties of tax collectors; International Registration Plan.—

(10) *Jurisdiction over the outsourced electronic filing system for use by licensed motor vehicle dealers electronically to title and to register motor vehicles and to issue or to transfer registration license plates or decals is expressly preempted to the state. The department shall continue its current outsourcing of the existing electronic filing system, including its program standards. The electronic filing system is approved for use in all counties, shall apply uniformly to all tax collectors of the state, and no tax collector may add or detract from the program standards in his or her respective county. A motor vehicle dealer licensed under this chapter may charge a fee to the customer for use of the electronic filing system and such fee is not a component of the program standards. Final authority over disputes relating to program standards lies with the department. By January 1, 2010, the Office of Program Policy Analysis and Government Accountability, with input from the department and from affected parties, including tax collectors, service providers, and motor vehicle dealers, shall report to the President of the Senate and the Speaker of the House of Representatives on the status of the outsourced electronic filing system, including the program standards, and its compliance with this subsection. The report shall identify all public and private alternatives for continued operation of the electronic filing system and shall include any and all appropriate recommendations, including revisions to the program standards.*

Section 5. Section 320.1316, Florida Statutes, is created to read:

320.1316 *Failure to surrender vehicle or vessel.*—

(1) *Upon receipt from a lienor who claims a lien on a vehicle pursuant to s. 319.27 by the Department of Highway Safety and Motor Vehicles of written notice to surrender a vehicle or vessel that has been disposed of, concealed, removed, or destroyed by the licensee, the department shall place the name of the registered owner of that vehicle on the list of those persons who may not be issued a license plate, revalidation sticker, or replacement license plate for any motor vehicle under s. 320.03(8) owned by the licensee at the time the notice was given by the lienor. If the vehicle is owned jointly by more than one person, the name of each registered owner shall be placed on the list.*

(2) *The notice to surrender the vehicle shall be submitted on forms developed by the department, which must include:*

(a) *The name, address, and telephone number of the lienor.*

(b) *The name of the registered owner of the vehicle and the address to which the lienor provided notice to surrender the vehicle to the registered owner.*

(c) *A general description of the vehicle, including its color, make, model, body style, and year.*

(d) *The vehicle identification number, registration license plate number, if known, or other identification number, as applicable.*

(3) *The registered owner of the vehicle may dispute a notice to surrender the vehicle by notifying the department of the dispute in writing on forms provided by the department and presenting proof that the vehicle was sold to a motor vehicle dealer licensed under s. 320.27, a mobile home dealer licensed under s. 320.77, or a recreational vehicle dealer licensed under s. 320.771.*

Section 6. Subsection (8) of section 322.34, Florida Statutes, is amended to read:

322.34 Driving while license suspended, revoked, canceled, or disqualified.—

(8)(a) Upon the arrest of a person for the offense of driving while the person's driver's license or driving privilege is suspended or revoked, the arresting officer shall determine:

1. Whether the person's driver's license is suspended or revoked.

2. Whether the person's driver's license has remained suspended or revoked since a conviction for the offense of driving with a suspended or revoked license.

3. Whether the suspension or revocation was made under s. 316.646 or s. 627.733, relating to failure to maintain required security, or under s. 322.264, relating to habitual traffic offenders.

4. Whether the driver is the registered owner or coowner of the vehicle.

(b) If the arresting officer finds in the affirmative as to all of the criteria in paragraph (a), the officer shall immediately impound or immobilize the vehicle.

(c) Within 7 business days after the date the arresting agency impounds or immobilizes the vehicle, either the arresting agency or the towing service, whichever is in possession of the vehicle, shall send notice by certified mail, ~~return receipt requested~~, to any coregistered owners of the vehicle other than the person arrested and to each person of record claiming a lien against the vehicle. All costs and fees for the impoundment or immobilization, including the cost of notification, must be paid by the owner of the vehicle or, if the vehicle is leased, by the person leasing the vehicle.

(d) Either the arresting agency or the towing service, whichever is in possession of the vehicle, shall determine whether any vehicle impounded or immobilized under this section has been leased or rented or if there are any persons of record with a lien upon the vehicle. Either the arresting agency or the towing service, whichever is in possession of the vehicle, shall notify by express courier service with receipt or certified mail, ~~return receipt requested~~, within 7 business days after the date of the immobilization or impoundment of the vehicle, the registered owner and all persons having a recorded lien against the vehicle that the vehicle has been impounded or immobilized. A lessor, rental car company,

or lienholder may then obtain the vehicle, upon payment of any lawful towing or storage charges. If the vehicle is a rental vehicle subject to a written contract, the charges may be separately charged to the renter, in addition to the rental rate, along with other separate fees, charges, and recoupments disclosed on the rental agreement. If the storage facility fails to provide timely notice to a lessor, rental car company, or lienholder as required by this paragraph, the storage facility shall be responsible for payment of any towing or storage charges necessary to release the vehicle to a lessor, rental car company, or lienholder that accrue after the notice period, which charges may then be assessed against the driver of the vehicle if the vehicle was lawfully impounded or immobilized.

(e) Except as provided in paragraph (d), the vehicle shall remain impounded or immobilized for any period imposed by the court until:

1. The owner presents proof of insurance to the arresting agency; or
2. The owner presents proof of sale of the vehicle to the arresting agency and the buyer presents proof of insurance to the arresting agency.

If proof is not presented within 35 days after the impoundment or immobilization, a lien shall be placed upon such vehicle pursuant to s. 713.78.

(f) The owner of a vehicle that is impounded or immobilized under this subsection may, within 10 days after the date the owner has knowledge of the location of the vehicle, file a complaint in the county in which the owner resides to determine whether the vehicle was wrongfully taken or withheld. Upon the filing of a complaint, the owner or lienholder may have the vehicle released by posting with the court a bond or other adequate security equal to the amount of the costs and fees for impoundment or immobilization, including towing or storage, to ensure the payment of such costs and fees if the owner or lienholder does not prevail. When the vehicle owner or lienholder does not prevail on a complaint that the vehicle was wrongfully taken or withheld, he or she must pay the accrued charges for the immobilization or impoundment, including any towing and storage charges assessed against the vehicle. When the bond is posted and the fee is paid as set forth in s. 28.24, the clerk of the court shall issue a certificate releasing the vehicle. At the time of release, after reasonable inspection, the owner must give a receipt to the towing or storage company indicating any loss or damage to the vehicle or to the contents of the vehicle.

Section 7. Subsections (4), (5), (6), and (10) of section 713.78, Florida Statutes, are amended to read:

713.78 Liens for recovering, towing, or storing vehicles and vessels.—

(4)(a) Any person regularly engaged in the business of recovering, towing, or storing vehicles or vessels who comes into possession of a vehicle or vessel pursuant to subsection (2), and who claims a lien for recovery, towing, or storage services, shall give notice to the registered owner, the insurance company insuring the vehicle notwithstanding the provisions of s. 627.736, and to all persons claiming a lien thereon, as disclosed by the records in the Department of Highway Safety and Motor Vehicles or of a corresponding agency in any other state.

(b) Whenever any law enforcement agency authorizes the removal of a vehicle or vessel or whenever any towing service, garage, repair shop, or automotive service, storage, or parking place notifies the law enforcement agency of possession of a vehicle or vessel pursuant to s. 715.07(2)(a)2., the applicable law enforcement agency of the jurisdiction where the vehicle or vessel is stored shall contact the Department of Highway Safety and Motor Vehicles, or the appropriate agency of the state of registration, if known, within 24 hours through the medium of electronic communications, giving the full description of the vehicle or vessel. Upon receipt of the full description of the vehicle or vessel, the department shall search its files to determine the owner's name, the insurance company insuring the vehicle or vessel, and whether any person has filed a lien upon the vehicle or vessel as provided in s. 319.27(2) and (3) and notify the applicable law enforcement agency within 72 hours. The person in charge of the towing service, garage, repair shop, or automotive service, storage, or parking place shall obtain such information from the applicable law enforcement agency within 5 days after the date of storage and shall give notice pursuant to para-

graph (a). The department may release the insurance company information to the requestor notwithstanding the provisions of s. 627.736.

(c) Notice by certified mail, ~~return receipt requested~~, shall be sent within 7 business days after the date of storage of the vehicle or vessel to the registered owner, the insurance company insuring the vehicle notwithstanding the provisions of s. 627.736, and all persons of record claiming a lien against the vehicle or vessel. It shall state the fact of possession of the vehicle or vessel, that a lien as provided in subsection (2) is claimed, that charges have accrued and the amount thereof, that the lien is subject to enforcement pursuant to law, and that the owner or lienholder, if any, has the right to a hearing as set forth in subsection (5), and that any vehicle or vessel which remains unclaimed, or for which the charges for recovery, towing, or storage services remain unpaid, may be sold free of all prior liens after 35 days if the vehicle or vessel is more than 3 years of age or after 50 days if the vehicle or vessel is 3 years of age or less.

(d) If attempts to locate the name and address of the owner or lienholder prove unsuccessful, the towing-storage operator shall, after 7 working days, excluding Saturday and Sunday, of the initial tow or storage, notify the public agency of jurisdiction where the vehicle or vessel is stored in writing by certified mail or acknowledged hand delivery that the towing-storage company has been unable to locate the name and address of the owner or lienholder and a physical search of the vehicle or vessel has disclosed no ownership information and a good faith effort has been made. For purposes of this paragraph and subsection (9), "good faith effort" means that the following checks have been performed by the company to establish prior state of registration and for title:

1. Check of vehicle or vessel for any type of tag, tag record, temporary tag, or regular tag.
2. Check of law enforcement report for tag number or other information identifying the vehicle or vessel, if the vehicle or vessel was towed at the request of a law enforcement officer.
3. Check of trip sheet or tow ticket of tow truck operator to see if a tag was on vehicle or vessel at beginning of tow, if private tow.
4. If there is no address of the owner on the impound report, check of law enforcement report to see if an out-of-state address is indicated from driver license information.
5. Check of vehicle or vessel for inspection sticker or other stickers and decals that may indicate a state of possible registration.
6. Check of the interior of the vehicle or vessel for any papers that may be in the glove box, trunk, or other areas for a state of registration.
7. Check of vehicle for vehicle identification number.
8. Check of vessel for vessel registration number.
9. Check of vessel hull for a hull identification number which should be carved, burned, stamped, embossed, or otherwise permanently affixed to the outdoor side of the transom or, if there is no transom, to the outmost seaboard side at the end of the hull that bears the rudder or other steering mechanism.

(5)(a) The owner of a vehicle or vessel removed pursuant to the provisions of subsection (2), or any person claiming a lien, other than the towing-storage operator, within 10 days after the time she or he has knowledge of the location of the vehicle or vessel, may file a complaint in the county court of the county in which the vehicle or vessel is stored or in which the owner resides to determine if her or his property was wrongfully taken or withheld from her or him.

(b) Upon filing of a complaint, an owner or lienholder may have her or his vehicle or vessel released upon posting with the court a cash or surety bond or other adequate security equal to the amount of the charges for towing or storage and lot rental amount to ensure the payment of such charges in the event she or he does not prevail. Upon the posting of the bond and the payment of the applicable fee set forth in s. 28.24, the clerk of the court shall issue a certificate notifying the lienor of the posting of the bond and directing the lienor to release the vehicle or vessel. At the time of such release, after reasonable inspection, she or he shall give a receipt to the towing-storage company reciting any claims

section, the court may, upon a finding that the defendant is financially unable to pay either all or part of the fine, order that the defendant participate for a specified additional period of time in public service or a community work project in lieu of payment of that portion of the fine which the court determines the defendant is unable to pay. In determining such additional sentence, the court shall consider the amount of the unpaid portion of the fine and the reasonable value of the services to be ordered; however, the court may not compute the reasonable value of services at a rate less than the federal minimum wage at the time of sentencing.

(13) *If personnel of the circuit court or the sheriff do not immobilize vehicles, only immobilization agencies that meet the conditions of this subsection shall immobilize vehicles in that judicial circuit.*

(a) *The immobilization agency responsible for immobilizing vehicles in that judicial circuit shall be subject to strict compliance with all of the following conditions and restrictions:*

1. *Any immobilization agency engaged in the business of immobilizing vehicles shall:*

a. *Have a class "R" license issued pursuant to part IV of chapter 493;*

b. *Have at least 3 years of verifiable experience in immobilizing vehicles; and*

c. *Maintain accurate and complete records of all payments for the immobilization, copies of all documents pertaining to the court's order of impoundment or immobilization, and any other documents relevant to each immobilization. Such records must be maintained by the immobilization agency for at least 3 years.*

2. *The person who immobilizes a vehicle must never have been convicted of any felony or of driving or boating under the influence of alcohol or a controlled substance in the last 3 years.*

(b) *A person who violates paragraph (a) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.*

(c) *Any immobilization agency who is aggrieved by a person's violation of paragraph (a) may bring a civil action against the person who violated paragraph (a) seeking injunctive relief, damages, reasonable attorney's fees and costs, and any other remedy available at law or in equity as may be necessary to enforce this subsection. In any action to enforce this subsection, establishment of a violation of paragraph (a) shall conclusively establish a clear legal right to injunctive relief, that irreparable harm will be caused if an injunction does not issue, that no adequate remedy at law exists, and that public policy favors issuance of injunctive relief.*

(14) *As used in this chapter, the term:*

(a) *"Immobilization," "immobilizing," or "immobilize" means the act of installing a vehicle antitheft device on the steering wheel of a vehicle, the act of placing a tire lock or wheel clamp on a vehicle, or a governmental agency's act of taking physical possession of the license tag and vehicle registration rendering a vehicle legally inoperable to prevent any person from operating the vehicle pursuant to an order of impoundment or immobilization under subsection (6).*

(b) *"Immobilization agency" or "immobilization agencies" means any firm, company, agency, organization, partnership, corporation, association, trust, or other business entity of any kind whatsoever that meets all of the conditions of subsection (13).*

(c) *"Impoundment," "impounding," or "impound" means the act of storing a vehicle at a storage facility pursuant to an order of impoundment or immobilization under subsection (6) where the person impounding the vehicle exercises control, supervision, and responsibility over the vehicle.*

(d) *"Person" means any individual, firm, company, agency, organization, partnership, corporation, association, trust, or other business entity of any kind whatsoever.*

Section 12. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2009.

And the title is amended as follows:

Delete line 17 and insert: identification number; amending s. 320.02, F.S., requiring the application form for motor vehicle registration and renewal of registration to include language permitting a voluntary contribution to the Ronald McDonald Houses of Florida; revising provisions for distribution of such contributions; amending s. 320.02, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to withhold renewal of registration or replacement registration of specified motor vehicles under certain circumstances; amending s. 320.03, F.S.; preemption jurisdiction over the outsourced electronic filing system to the state; requiring the department to continue its current outsourcing of the existing electronic filing system; approving the system for use in all counties; authorizing motor vehicle dealers to charge certain fees; requiring a report from the Office of Program Policy Analysis and Government Accountability by a specified date; creating s. 320.1316, F.S.; providing responsibilities of the department relating to the issuance of a license plate, revalidation sticker, or replacement license plate for certain vehicles; requiring the department to create a notice to surrender form; providing procedures for the dispute of a notice to surrender; amending s. 559.903, F.S.; defining the terms "lienholder" and "owner" for purposes of the Florida Motor Vehicle Repair Act; amending s. 322.34, F.S.; creating certain rights for lienholders; deleting a return receipt mailing requirement; amending s. 713.78, F.S.; clarifying provisions; deleting a return receipt mailing requirement; creating certain rights for lienholders; deleting a provision that allows a complaint to be filed in the county where the owner resides; creating a cause of action to determine the rights of the parties after a vehicle or vessel has been sold; providing for attorney's fees and costs; providing a right of inspection to lienholders; amending s. 320.0609, F.S., relating to the transfer and exchange of registration license plates and transfer fees; requiring that a temporary tag be issued and displayed during the time that an application for a transfer of a registration license plate is being processed; providing exceptions; amending s. 320.131, F.S.; authorizing the department to issue temporary tags for the time that an application for a transfer of a registration license plate is being processed; amending s. 320.0609, F.S., relating to the transfer and exchange of registration license plates and transfer fees; requiring a licensed motor vehicle dealer to provide certain required information via an electronic system to the department when the owner of a vehicle transfers a registration license plate to a replacement or substitute vehicle acquired from the dealer; providing that the electronic system shall be administered by the department; requiring the dealer to give the owner written notice documenting the transfer if the dealer cannot provide the required transfer information to the department under certain circumstances; requiring the dealer to maintain certain records; providing for the dealer and the department to charge a fee; providing for exceptions; authorizing the department to adopt rules; amending s. 316.193, F.S.; requiring the court to include in the order of impoundment or immobilization the names and telephone numbers of immobilization agencies that meet specified requirements; requiring the person whose vehicle is ordered to be impounded or immobilized to pay the impoundment or immobilization fees and costs directly to the person impounding or immobilizing the vehicle; establishing conditions and restrictions for immobilization agencies who are engaged in the business of immobilizing vehicles in judicial circuits where personnel of the court or sheriff do not immobilize vehicles; providing penalties for violating such conditions and restrictions; authorizing aggrieved immobilization agency to initiate a civil action against a person who commits such violation; providing for attorney's fees and costs; defining the terms "immobilization," "immobilize," "immobilizing," "immobilization agency," "immobilization agencies," "impound," "impounding," "impoundment," and "person"; providing an effective dates.

On motion by Senator Smith, by two-thirds vote **CS for CS for HB 293** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

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

Nays—None

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

BILLS ON THIRD READING

On motion by Senator Gardiner, by unanimous consent—

HB 1021—A bill to be entitled An act relating to the Department of Transportation; requiring the department to conduct a study of transportation alternatives for the Interstate 95 corridor; requiring a report to the Governor, Legislature, and affected metropolitan planning organizations by a certain date; amending s. 125.42, F.S.; providing for counties to incur certain costs related to relocation or removal of certain utility facilities under specified circumstances; amending s. 163.3177, F.S.; revising requirements for comprehensive plans; providing a time-frame for submission of certain information to the state land planning agency; providing for airports, land adjacent to airports, and certain interlocal agreements relating thereto in certain elements of the plan; amending s. 163.3178, F.S.; providing that certain port-related facilities are not developments of regional impact under certain circumstances; amending s. 163.3180, F.S.; defining the term “backlog”; amending s. 163.3182, F.S., relating to transportation concurrency backlog authorities; providing legislative findings and declarations; expanding the power of authorities to borrow money to include issuing certain debt obligations; providing a maximum maturity date for certain debt incurred to finance or refinance certain transportation concurrency backlog projects; authorizing authorities to continue operations and administer certain trust funds for the period of the remaining outstanding debt; requiring local transportation concurrency backlog trust funds to continue to be funded for certain purposes; providing for increased ad valorem tax increment funding for such trust funds under certain circumstances; revising provisions for dissolution of an authority; amending s. 287.055, F.S.; conforming a cross-reference; amending s. 334.044, F.S.; clarifying the department’s authority to establish and collect variable rate tolls; amending s. 337.11, F.S.; providing for the department to pay a portion of certain proposal development costs; providing that the department shall retain the right to use ideas from unsuccessful firms that accept the stipend; establishing a goal for the department to procure certain contracts as design-build contracts; authorizing the department to adopt rules; amending ss. 337.14 and 337.16, F.S.; conforming cross-references; amending s. 337.18, F.S.; requiring the contractor to maintain a copy of the required payment and performance bond at certain locations and provide a copy upon request; providing that a copy may be obtained directly from the department; removing a provision requiring a copy to be recorded in the public records of the county; amending s. 337.185, F.S.; providing for the State Arbitration Board to arbitrate certain claims relating to maintenance contracts; providing for a member of the board to be elected by maintenance companies or construction companies; amending s. 337.403, F.S.; providing for the department or local governmental entity to pay certain costs of removal or relocation of a utility facility that is found to be interfering with the use, maintenance, improvement, extension, or expansion of a public road or publicly owned rail corridor under described circumstances; amending s. 337.408, F.S.; providing for public pay telephones and advertising thereon to be installed within the right-of-way limits of any municipal, county, or state road; providing exceptions; amending s. 338.01, F.S.; requiring new and replacement electronic toll collection systems to be interoperable with the department’s system; amending s. 338.165, F.S.; authorizing the department to use excess toll revenues for public transit; exempting toll rates on high-occupancy toll lanes or express lanes from consumer price indexing provisions; removing specific identification of certain state-owned toll facilities in the department’s authority to request issuance of bonds to fund transportation projects located within the county or counties in which the project is located; amending s. 338.2216, F.S.; directing the Florida Turnpike Enterprise to implement new technologies and processes in its operations and collection of tolls and other amounts; amending s. 338.223, F.S.; conforming a cross-reference; amending s. 338.231, F.S.; revising provisions for establishing

and collecting tolls; authorizing collection of amounts to cover costs of toll collection and payment methods; requiring public notice and hearing; amending s. 339.12, F.S.; revising requirements for aid and contributions by governmental entities for transportation projects; revising limits under which the department may enter into an agreement with a county for a project or project phase not in the adopted work program; authorizing the department to enter into certain long-term repayment agreements; amending s. 339.135, F.S.; revising certain notice provisions that require the department to notify local governments regarding amendments to an adopted 5-year work program; amending s. 339.155, F.S.; revising provisions for development of the Florida Transportation Plan; removing provisions for a short-range component and an annual performance report; amending s. 339.2816, F.S., relating to the Small County Road Assistance Program; providing for resumption of certain funding for the program; revising the criteria for counties eligible to participate in the program; amending ss. 339.2819 and 339.285, F.S.; conforming cross-references; repealing part III of ch. 343 F.S.; abolishing the Tampa Bay Commuter Transit Authority; amending s. 348.0003, F.S.; providing for financial disclosure for expressway, transportation, bridge, and toll authorities; amending s. 348.0004, F.S.; providing for certain expressway authorities to index toll rate increases; amending s. 479.01, F.S.; revising provisions for outdoor advertising; revising the definition of the term “automatic changeable facing”; amending s. 479.07, F.S.; revising a prohibition against signs on the State Highway System; revising requirements for display of the sign permit tag; directing the department to establish by rule a fee for furnishing a replacement permit tag; revising the pilot project for permitted signs to include Hillsborough County and areas within the boundaries of the City of Miami; amending s. 479.08, F.S.; revising provisions for denial or revocation of a sign permit; amending s. 479.156, F.S.; modifying provisions for local government control of the regulation of wall murals adjacent to certain federal highways; providing for notification to the Federal Highway Administration; amending s. 479.261, F.S.; revising requirements for the logo sign program of the interstate highway system; deleting provisions for permits to be awarded to the highest bidders; authorizing the department to implement a rotation-based logo program; requiring the department to adopt rules that set reasonable rates based on certain factors for annual permit fees; requiring that such fees not exceed a certain amount for sign locations inside and outside an urban area; creating a business partnership pilot program; authorizing the Palm Beach County School District to display names of business partners on district property in unincorporated areas; exempting the program from specified provisions; authorizing the expenditure of public funds for certain alterations of Old Cutler Road in the Village of Palmetto Bay; requiring the official approval of the Department of State before any alterations may begin; amending s. 120.52, F.S.; revising the definition of the term “agency”; providing effective dates.

—as amended April 30 was taken up out of order and read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Gardiner, the rules were waived and the Senate reconsidered the vote by which **Amendment 1 (728458)** by Senator Gardiner as amended was adopted.

MOTION

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

Senator Constantine moved the following amendments to **Amendment 1** which were adopted by two-thirds vote:

Amendment 1C (392940) (with title amendment)—Between lines 1310 and 1311 insert:

Section 27. Paragraph (c) of subsection (4) of section 316.191, Florida Statutes, is amended to read:

316.191 Racing on highways.—

(4) Whenever a law enforcement officer determines that a person was engaged in a drag race or race, as described in subsection (1), the officer may immediately arrest and take such person into custody. The court may enter an order of impoundment or immobilization as a condition of incarceration or probation. Within 7 business days after the

date the court issues the order of impoundment or immobilization, the clerk of the court must send notice by certified mail, return receipt requested, to the registered owner of the motor vehicle, if the registered owner is a person other than the defendant, and to each person of record claiming a lien against the motor vehicle.

(c) Any motor vehicle used in violation of subsection (2) may be impounded for a period of 30 ~~10~~ business days if a law enforcement officer has arrested and taken a person into custody pursuant to this subsection and the person being arrested is the registered owner or coowner of the motor vehicle. If the arresting officer finds that the criteria of this paragraph are met, the officer may immediately impound the motor vehicle. The law enforcement officer shall notify the Department of Highway Safety and Motor Vehicles of any impoundment for violation of this subsection in accordance with procedures established by the department. The provisions of paragraphs (a) and (b) shall be applicable to such impoundment.

And the title is amended as follows:

Delete line 1428 and insert: Regional Transportation Authority; amending s. 316.191, F.S.; increasing the period for which a vehicle may be impounded for certain violations of state law relating to racing on highways; providing an effective date.

Amendment 1D (642228) (with title amendment)—Between lines 1310 and 1311 insert:

Section 27. Paragraph (c) of subsection (1) of section 316.191, Florida Statutes, is amended to read:

316.191 Racing on highways.—

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

(c) “Race” ~~“Racing”~~ means the use of one or more motor vehicles in competition, arising from a challenge to demonstrate superiority of a motor vehicle or driver and the acceptance or competitive response to that challenge, either through a prior arrangement or in immediate response, in which the competitor attempts ~~an attempt~~ to outgain or outdistance another motor vehicle, to prevent another motor vehicle from passing, to arrive at a given destination ahead of another motor vehicle or motor vehicles, or to test the physical stamina or endurance of drivers over long-distance driving routes. A race may be prearranged or may occur through a competitive response to conduct on the part of one or more drivers which, under the totality of the circumstances, can reasonably be interpreted as a challenge to race.

And the title is amended as follows:

Delete line 1428 and insert: Regional Transportation Authority; amending s. 316.191, F.S.; defining the term “race”; providing an effective date.

Amendment 1 as amended was adopted by two-thirds vote.

On motion by Senator Gardiner, **HB 1021** 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
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—1

Dockery

On motion by Senator Gardiner, by unanimous consent—

CS for HJR 833—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.

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

That the following amendment to Section 3 of Article VII and the creation of Section 31 of Article XII of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE VII

FINANCE AND TAXATION

SECTION 3. Taxes; exemptions.—

(a) All property owned by a municipality and used exclusively by it for municipal or public purposes shall be exempt from taxation. A municipality, owning property outside the municipality, may be required by general law to make payment to the taxing unit in which the property is located. Such portions of property as are used predominantly for educational, literary, scientific, religious or charitable purposes may be exempted by general law from taxation.

(b) There shall be exempt from taxation, cumulatively, to every head of a family residing in this state, household goods and personal effects to the value fixed by general law, not less than one thousand dollars, and to every widow or widower or person who is blind or totally and permanently disabled, property to the value fixed by general law not less than five hundred dollars.

(c) Any county or municipality may, for the purpose of its respective tax levy and subject to the provisions of this subsection and general law, grant community and economic development ad valorem tax exemptions to new businesses and expansions of existing businesses, as defined by general law. Such an exemption may be granted only by ordinance of the county or municipality, and only after the electors of the county or municipality voting on such question in a referendum authorize the county or municipality to adopt such ordinances. An exemption so granted shall apply to improvements to real property made by or for the use of a new business and improvements to real property related to the expansion of an existing business and shall also apply to tangible personal property of such new business and tangible personal property related to the expansion of an existing business. The amount or limits of the amount of such exemption shall be specified by general law. The period of time for which such exemption may be granted to a new business or expansion of an existing business shall be determined by general law. The authority to grant such exemption shall expire ten years from the date of approval by the electors of the county or municipality, and may be renewable by referendum as provided by general law.

(d) Any county or municipality may, for the purpose of its respective tax levy and subject to the provisions of this subsection and general law, grant historic preservation ad valorem tax exemptions to owners of historic properties. This exemption may be granted only by ordinance of the county or municipality. The amount or limits of the amount of this exemption and the requirements for eligible properties must be specified by general law. The period of time for which this exemption may be granted to a property owner shall be determined by general law.

(e) By general law and subject to conditions specified therein, twenty-five thousand dollars of the assessed value of property subject to tangible personal property tax shall be exempt from ad valorem taxation.

(f) There shall be granted an ad valorem tax exemption for real property dedicated in perpetuity for conservation purposes, including

real property encumbered by perpetual conservation easements or by other perpetual conservation protections, as defined by general law.

(g) *By general law and subject to the conditions specified therein, each person who receives a homestead exemption as provided in section 6 of this article; who was a member of the United States military or military reserves, the United States Coast Guard or its reserves, or the Florida National Guard; and who was deployed during the preceding calendar year on active duty outside the continental United States, Alaska, or Hawaii in support of military operations designated by the legislature shall receive an additional exemption equal to a percentage of the taxable value of his or her homestead property. The applicable percentage shall be calculated as the number of days during the preceding calendar year the person was deployed on active duty outside the continental United States, Alaska, or Hawaii in support of military operations designated by the legislature divided by the number of days in that year.*

ARTICLE XII

SCHEDULE

SECTION 31. *Additional ad valorem tax exemption for certain members of the armed forces deployed on active duty outside of the United States.—The amendment to Section 3 of Article VII providing for an additional ad valorem tax exemption for members of the United States military or military reserves, the United States Coast Guard or its reserves, or the Florida National Guard deployed on active duty outside of the United States in support of military operations designated by the legislature and this section shall take effect January 1, 2011.*

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE VII, SECTION 3

ARTICLE XII, SECTION 31

HOMESTEAD AD VALOREM TAX CREDIT FOR DEPLOYED MILITARY PERSONNEL.—Proposing an amendment to the State Constitution to require the Legislature to provide an additional homestead property tax exemption by law for members of the United States military or military reserves, the United States Coast Guard or its reserves, or the Florida National Guard who receive a homestead exemption and were deployed in the previous year on active duty outside the continental United States, Alaska, or Hawaii in support of military operations designated by the Legislature. The exempt amount will be based upon the number of days in the previous calendar year that the person was deployed on active duty outside the continental United States, Alaska, or Hawaii in support of military operations designated by the Legislature. The amendment is scheduled to take effect January 1, 2011.

—was taken up out of order and read the third time in full.

On motion by Senator Gardiner, **CS for HJR 833** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

On motion by Senator Gaetz, by unanimous consent—

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 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.

—as amended April 29 was taken up out of order and read the third time by title.

On motion by Senator Gaetz, **CS for SB 1122** as amended was passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—7

Bullard	King	Wilson
Hill	Lawson	
Joyner	Smith	

Vote after roll call:

Nay—Dockery

Nay to Yea—Wilson

Votes Recorded:

May 6, 2009: Yea—Gardiner

On motion by Senator Siplin, by unanimous consent—

CS for SB 254—A bill to be entitled An act relating to school food service programs; amending s. 1006.06, F.S.; creating the Florida Farm Fresh Schools Program within the Department of Education; providing legislative intent; requiring the department to work with the Department of Agriculture and Consumer Services to recommend policies and rules to the State Board of Education relating to school food services which encourage schools and school districts in this state to buy fresh and local food; requiring the Department of Education, in collaboration with the Department of Agriculture and Consumer Services, to provide outreach services regarding the benefits of fresh food products from this state; requiring the program to maintain compliance with the rules and regulations of the National School Lunch Program; providing an effective date.

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

On motion by Senator Siplin, **CS for SB 254** 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

MOTION

On motion by Senator Villalobos, the rules were waived and time of recess was extended until 12:15 p.m.

The Senate resumed consideration of—

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 seagrasses; 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 citations 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.

—which was previously considered and amended April 29.

On motion by Senator Constantine, **CS for CS for HB 1423** 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	Ring
Bullard	Haridopolos	Siplin
Constantine	Hill	Smith
Crist	Jones	Sobel
Dean	Joyner	Storms
Detert	Justice	Villalobos
Deutch	King	Wilson
Diaz de la Portilla	Lawson	Wise

Nays—None

On motion by Senator Ring, by unanimous consent—

SB 166—A bill to be entitled An act relating to public records; defining the term “publicly owned building or facility”; creating an exemption from public-records requirements for information that identifies a donor or prospective donor of a donation made for the benefit of a publicly owned building or facility if the donor desires to remain anonymous;

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

On motion by Senator Ring, **SB 166** 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

On motion by Senator Haridopolos, by unanimous consent—

SB 2656—A bill to be entitled An act relating to arboriculture; creating ch. 598, F.S.; providing a short title; providing a purpose statement; providing definitions; providing exceptions; providing powers and duties of the Department of Agriculture and Consumer Services; providing rulemaking authority; establishing a maximum annual fee for licensure; providing for deposit and use of fee proceeds; establishing licensure procedures and requirements to practice arboriculture and provide arboriculture services; providing for issuance of a license; providing grounds for denial of a license or refusal to renew a license; providing for license suspension or revocation; providing for license renewal; providing for reactivation of a license under certain conditions; providing for issuance of a duplicate license under certain circumstances; requiring a roster of licensed arborists; authorizing the department to enforce certain provisions of state law by specified means; amending s. 604.15, F.S.; revising a definition to make tropical foliage exempt from regulation under provisions relating to dealers in agricultural products; providing an appropriation; providing an effective date.

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

Amendments were considered and adopted to conform **SB 2656** to **CS for CS for HB 1241**.

Pending further consideration of **SB 2656** as amended, on motion by Senator Haridopolos, by two-thirds vote **CS for CS for HB 1241** was withdrawn from the Committees on Agriculture; Governmental Oversight and Accountability; and General Government Appropriations.

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

CS for CS for HB 1241—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 482.021, F.S.; revising terminology to modify requirements for supervision provided by certified operators in charge of pest control businesses; amending s. 482.051, F.S.; requiring pest control licensees to perform inspections before issuing certain contracts; amending s. 482.071, F.S.; increasing the financial responsibility requirements for pest control licensees; creating s. 482.072, F.S.; requiring pest control service center licensees; providing license application requirements and procedures; providing for expiration and renewal of licenses; establishing license fees; exempting pest control service center employees from identification card requirements except under certain circumstances; requiring recordkeeping and monitoring of service center operations;

authorizing disciplinary action against pest control licensees for violations committed by service center employees; amending s. 482.152, F.S.; revising duties and supervisory requirements of certified operators in charge of pest control businesses; creating s. 482.157, F.S.; providing for pest control certification of commercial wildlife management personnel; providing application procedures and requirements; requiring a certification examination; establishing certification fees; amending s. 482.226, F.S.; increasing the financial responsibility requirements for certain pest control licensees; amending s. 493.6102, F.S.; specifying that provisions regulating security officers do not apply to certain officers performing off-duty activities; amending s. 493.6105, F.S.; revising application requirements and procedures for private investigator, security officer, or recovery agent licenses; specifying application requirements for firearms instructor license; amending s. 493.6106, F.S.; revising citizenship requirements and documentation for private investigator, security officer, and recovery agent licenses; prohibiting the licensure of applicants for a statewide firearm license or firearms instructor license who are prohibited from purchasing or possessing firearms; requiring notice of changes to branch office locations for private investigative, security, or recovery agencies; amending s. 493.6107, F.S.; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6108, F.S.; revising requirements for criminal history checks of license applicants whose fingerprints are not legible; requiring investigation of the mental and emotional fitness of applicants for firearms instructor licenses; amending s. 493.6111, F.S.; requiring a security officer school or recovery agent school to obtain the department's approval for use of a fictitious name; amending s. 493.6113, F.S.; revising application renewal procedures and requirements; amending s. 493.6115, F.S.; conforming cross-references; amending s. 493.6118, F.S.; authorizing disciplinary action against statewide firearm licensees and firearms instructor licensees who are prohibited from purchasing or possessing firearms; amending s. 493.6121, F.S.; deleting provisions for the department's access to certain criminal history records provided to licensed gun dealers, manufacturers, and exporters; amending s. 493.6202, F.S.; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6203, F.S.; prohibiting bodyguard services from being credited toward certain license requirements; revising training requirements for private investigator intern license applicants; amending s. 493.6302, F.S.; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6303, F.S.; revising the training requirements for security officer license applicants; amending s. 493.6304, F.S.; revising application requirements and procedures for security officer school licenses; amending s. 493.6401, F.S.; revising terminology for recovery agent schools and training facilities; amending s. 493.6402, F.S.; revising terminology for recovery agent schools and training facilities; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6406, F.S.; requiring recovery agent school and instructor licenses; providing license application requirements and procedures; amending ss. 501.605 and 501.607, F.S.; revising application requirements for commercial telephone seller and salesperson licenses; amending s. 501.913, F.S.; specifying the sample size required for antifreeze registration application; amending s. 525.01, F.S.; revising requirements for petroleum fuel affidavits; amending s. 525.09, F.S.; imposing an inspection fee on certain alternative fuels containing alcohol; amending s. 526.50, F.S.; defining terms applicable to regulation of the sale of brake fluid; amending s. 526.51, F.S.; revising brake fluid permit application requirements; deleting permit renewal requirements; providing for reregistration of brake fluid and establishing fees; amending s. 526.52, F.S.; revising requirements for printed statements on brake fluid containers; amending s. 526.53, F.S.; revising requirements and procedures for brake fluid stop-sale orders; authorizing businesses to dispose of unregistered brake fluid under certain circumstances; amending s. 527.02, F.S.; increasing fees for liquefied petroleum gas licenses; revising fees for pipeline system operators; amending s. 527.0201, F.S.; revising requirements for liquefied petroleum gas qualifying examinations; increasing examination fees; increasing continuing education requirements for certain liquefied petroleum gas qualifiers; amending s. 527.021, F.S.; requiring the annual inspection of liquefied petroleum gas transport vehicles; increasing the inspection fee; amending s. 527.12, F.S.; providing for the issuance of certain stop orders; amending ss. 559.805 and 559.928, F.S.; deleting requirements that lists of independent agents of sellers of business opportunities and the agents' registration affidavits include the agents' social security numbers; amending s. 570.0725, F.S.; revising provisions for public information about food banks and similar food recovery programs; authorizing the department to adopt rules; amending ss. 570.53 and 570.54, F.S.; conforming cross-references; amending s. 570.55, F.S.; revising requirements for identifying sellers or handlers of tropical or

subtropical fruit or vegetables; amending s. 570.902, F.S.; conforming terminology to the repeal by the act of provisions establishing the Florida Agricultural Museum; amending s. 570.903, F.S.; revising provisions for direct-support organizations for certain agricultural programs to conform to the repeal by the act of provisions establishing the Florida Agricultural Museum; deleting provisions for a direct-support organization for the Florida State Collection of Arthropods; amending s. 573.118, F.S.; requiring the department to maintain records of marketing orders; requiring an audit at the request of an advisory council; requiring that the advisory council receive a copy of the audit within a specified time; amending s. 581.011, F.S.; deleting terminology relating to the Florida State Collection of Arthropods; revising the term "nursery" for purposes of plant industry regulations; amending s. 581.031, F.S.; increasing citrus source tree registration fees; amending s. 581.131, F.S.; increasing registration fees for a nurseryman, stock dealer, agent, or plant broker certificate; amending s. 581.211, F.S.; increasing the maximum fine for violations of plant industry regulations; amending s. 583.13, F.S.; deleting a prohibition on the sale of poultry without displaying the poultry grade; amending s. 590.125, F.S.; revising terminology for open burning authorizations; specifying purposes of certified prescribed burning; requiring the authorization of the Division of Forestry for certified pile burning; providing pile burning requirements; limiting the liability of property owners or agents engaged in pile burning; providing for the certification of pile burners; providing penalties for violations by certified pile burners; requiring rules; revising notice requirements for wildfire hazard reduction treatments; providing for approval of local government open burning authorization programs; providing program requirements; authorizing the division to close local government programs under certain circumstances; providing penalties for violations of local government open burning requirements; amending s. 590.14, F.S.; authorizing fines for violations of any division rule; providing penalties for certain violations; providing legislative intent; amending s. 599.004, F.S.; revising standards that a winery must meet to qualify as a certified Florida Farm Winery; amending s. 604.15, F.S.; defining the term "responsible position" for purposes of provisions regulating dealers in agricultural products; amending s. 604.19, F.S.; revising requirements for late fees on agricultural products dealer applications; amending s. 604.20, F.S.; revising the minimum amount of the surety bond or certificate of deposit required for agricultural products dealer licenses; providing conditions for the payment of bond or certificate of deposit proceeds; requiring additional documentation for issuance of a conditional license; amending s. 604.25, F.S.; revising conditions under which the department may deny, refuse to renew, suspend, or revoke agricultural products dealer licenses; deleting a provision prohibiting certain persons from holding a responsible position with a license; amending s. 616.242, F.S.; amending s. 686.201, F.S.; exempting contracts involving a seller of travel from the requirements of that section; authorizing the issuance of stop-operation orders for amusement rides under certain circumstances; amending s. 790.06, F.S.; authorizing a concealed firearm license applicant to submit fingerprints administered by the Division of Licensing; repealing ss. 570.071 and 570.901, F.S., relating to the Florida Agricultural Exposition and the Florida Agricultural Museum; amending s. 205.064, F.S.; authorizing a person selling certain agricultural products who is not a natural person to qualify for an exemption from obtaining a local business tax receipt; amending s. 322.01, F.S.; revising the term "farm tractor" for purposes of drivers' licenses; amending s. 500.03, F.S.; revising the term "food establishment" to include tomato repackers for purposes of the Florida Food Safety Act; creating s. 500.70, F.S.; defining the terms "field packing," "packing" or "repacking," and "producing"; requiring the Department of Agriculture and Consumer Services to adopt minimum food safety standards for the producing, harvesting, packing, and repacking of tomatoes; authorizing the department to inspect tomato farms, greenhouses, and packinghouses or repackers for compliance with the standards and certain provisions of the Florida Food Safety Act; providing penalties; authorizing the department to establish good agricultural practices and best management practices for the state's tomato industry; providing a presumption that tomatoes introduced into commerce are safe for human consumption under certain circumstances; providing exemptions; authorizing the department to adopt rules; amending s. 570.07, F.S.; authorizing the department to adopt best management practices for agricultural production and food safety; amending s. 570.48, F.S.; revising duties of the Division of Fruit and Vegetables for tomato food safety inspections; amending s. 604.15, F.S.; revising the term "agricultural products" to make tropical foliage exempt from regulation under provisions relating to dealers in agricultural products; amending s. 624.4095, F.S.; requiring that gross written premiums for certain crop insurance not be included when calculating the

insurer's gross ratio; requiring that liabilities for ceded reinsurance premiums be netted against the asset for amounts recoverable from reinsurers; requiring that insurers who write other insurance products to disclose a breakout of the gross written premiums for crop insurance; amending s. 823.145, F.S.; expanding the materials used in agricultural operations that may be disposed of by open burning; providing certain limitations on open burning; amending s. 163.3162, F.S.; prohibiting a county from enforcing certain limits on the activity of a bona fide farm operation on agricultural land under certain circumstances; prohibiting a county from charging agricultural lands for stormwater management assessments and fees under certain circumstances; allowing an assessment to be collected if credits against the assessment are provided for implementation of best-management practices; providing exemptions from certain restrictions on a county's powers over the activity on agricultural land; providing a definition; providing for application; creating s. 163.3163, F.S.; creating the "Agricultural Land Acknowledgement Act"; providing legislative findings and intent; providing definitions; requiring an applicant for certain development permits to sign and submit an acknowledgement of contiguous agricultural land as a condition of the political subdivision issuing the permits; specifying information to be included in the acknowledgement; requiring that the acknowledgement be recorded in the official county records; amending s. 604.50, F.S.; exempting farm fences from the Florida Building Code; exempting nonresidential farm buildings and farm fences from county and municipal codes and fees; specifying that the exemptions do not apply to code provisions implementing certain floodplain regulations; providing an effective date.

—a companion measure, was substituted for **SB 2656** as amended and read the second time by title.

Senator Haridopolos moved the following amendment which was adopted:

Amendment 1 (679288) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsections (5) and (7) of section 482.021, Florida Statutes, are amended to read:

482.021 Definitions.—For the purposes of this chapter, and unless otherwise required by the context, the term:

- (5) "Certified operator in charge" means a certified operator:
 - (a) Whose primary occupation is the pest control business;
 - (b) Who is employed full time by a licensee; and
 - (c) Whose principal duty is the ~~personal~~ supervision of the licensee's operation in a category or categories of pest control in which the operator is certified.
- (7) "Employee" means a person who is employed by a licensee that provides that person with necessary training, supervision, pesticides, equipment, and insurance and who receives compensation from and is under the ~~personal supervision and direct control~~ of the licensee's certified operator in charge and from whose compensation the licensee regularly deducts and matches federal insurance contributions and federal income and Social Security taxes.

Section 2. Subsection (3) of section 482.051, Florida Statutes, is amended to read:

482.051 Rules.—The department has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter. Prior to proposing the adoption of a rule, the department shall counsel with members of the pest control industry concerning the proposed rule. The department shall adopt rules for the protection of the health, safety, and welfare of pest control employees and the general public which require:

- (3) That written contracts be required for providing termites and other wood-destroying organisms pest control, that provisions necessary to assure consumer protection as specified by the department be included in such contracts, *that licensees perform an inspection before issuing a contract on an existing structure*, and that ~~require~~ licensees to comply with the contracts issued.

Section 3. Subsection (4) of section 482.071, Florida Statutes, is amended to read:

482.071 Licenses.—

(4) A licensee may not operate a pest control business without carrying the required insurance coverage. Each person making application for a pest control business license or renewal thereof must furnish to the department a certificate of insurance that meets the requirements for minimum financial responsibility for bodily injury and property damage consisting of:

- (a) Bodily injury: ~~\$250,000~~ ~~\$100,000~~ each person and ~~\$500,000~~ ~~\$300,000~~ each occurrence; and property damage: ~~\$250,000~~ ~~\$50,000~~ each occurrence and ~~\$500,000~~ ~~\$100,000~~ in the aggregate; or
- (b) Combined single-limit coverage: ~~\$500,000~~ ~~\$400,000~~ in the aggregate.

Section 4. Section 482.072, Florida Statutes, is created to read:

482.072 Pest control service centers.—

(1) *The department may issue a license to a qualified business to operate a pest control service center, to solicit pest control business, or to provide services to customers for one or more business locations licensed under s. 482.071. A person may not operate a centralized service center for a pest control business that is not licensed by the department.*

(2)(a) *Before operating a pest control service center, and biennially thereafter, on or before an anniversary date set by the department for the licensed pest control service center location, the pest control business must apply to the department for a license under this chapter, or a renewal thereof, for each pest control service center location. An application must be submitted in the format prescribed by the department.*

(b) *The department shall establish a fee for the issuance of a pest control service center license of at least \$500, but not more than \$1,000, and a fee for the renewal of a license of at least \$500, but not more than \$1,000; however, until rules setting the fees are adopted by the department, the initial license and renewal fees are each set at \$500. The department shall establish a grace period, not to exceed 30 calendar days after a license's anniversary renewal date. The department shall assess a late renewal fee of \$150, in addition to the renewal fee, to a business that renews its license after the grace period.*

(c) *A license automatically expires 60 calendar days after the anniversary renewal date unless the license is renewed before that date. Once a license expires, it may be reinstated only upon reapplication and payment of the license fee and late renewal fee.*

(d) *A license automatically expires when a licensee changes its pest control service center business location address. The department shall issue a new license upon payment of a \$250 fee. The new license automatically expires 60 calendar days after the anniversary renewal date of the former license unless the license is renewed before that date.*

(e) *The department may not issue or renew a license to operate a centralized pest control service center unless the pest control business licensees for whom the centralized service center solicits business have one or more common owners.*

(f) *The department may deny the issuance of a pest control service center license, or refuse to renew a license, if the department finds that the applicant or licensee, or any of its directors, officers, owners, or general partners, are or were directors, officers, owners, or general partners of a pest control business described in s. 482.071(2)(g) or violated a rule adopted under s. 482.071(2)(f).*

(g) *Section 482.091 does not apply to a person who solicits pest control services or provides customer service in a licensed pest control service center unless the person performs the pest control work described in s. 482.021(21)(a)-(d), executes a pest control contract, or accepts remuneration for such work.*

(3)(a) *The department shall adopt rules establishing requirements and procedures for recordkeeping and monitoring of pest control service center operations to ensure compliance with this chapter and rules adopted under this chapter.*

(b) Notwithstanding s. 482.163, whether an employee acts outside of the course and scope of his or her employment or whether the employee disobeys employer policies:

1. A pest control service center licensee may be subject to disciplinary action under s. 482.161 for a violation of this chapter or a rule adopted under this chapter committed by an employee of the service center.

2. A pest control business licensee may be subject to disciplinary action under s. 482.161 for a violation committed by an employee of the service center if the business licensee benefits from the violation.

Section 5. Section 482.152, Florida Statutes, is amended to read:

482.152 Duties of certified operator in charge of pest control activities of licensee.—A certified operator in charge of the pest control activities of a licensee shall have her or his primary occupation with the licensee and shall be a full-time employee of the licensee. ~~The, and her or his principal duties of the certified operator in charge duty shall include:~~

(1) ~~The~~ Responsibility for the ~~personal~~ supervision of, and participation in, the pest control activities of ~~at~~ the business location of the licensee. *This chapter does not prevent a certified operator in charge from performing duties at other business locations owned by the licensee if:*

(a) *The certified operator in charge performs her or his duties as provided in this section for the business location of the licensee.*

(b) *The certified operator in charge is a full-time employee of the licensee.*

(c) *The primary occupation of the certified operator in charge is the pest control business. ~~as the same relate to:~~*

(2) ~~(1)~~ ~~The~~ Selection of proper and correct chemicals for the particular pest control work performed.

(3) ~~(2)~~ ~~The~~ Safe and proper use of the pesticides used.

(4) ~~(3)~~ ~~The~~ Correct concentration and formulation of pesticides used in all pest control work performed.

(5) ~~(4)~~ ~~The~~ Training of personnel in the proper and acceptable methods of pest control.

(6) ~~(5)~~ ~~The~~ Control measures and procedures used.

(7) ~~(6)~~ ~~The~~ Notification of the department of any accidental human poisoning or death connected with pest control work performed on a job she or he is supervising, within 24 hours after she or he has knowledge of the poisoning or death.

Section 6. Section 482.157, Florida Statutes, is created to read:

482.157 Limited certification for commercial wildlife management personnel.—

(1) *The department shall establish a limited certification category for individual commercial wildlife management personnel which authorizes the personnel to use nonchemical methods for controlling pest birds or rodents, including, but not limited to, the use of traps, glue boards, mechanical or electronic devices, or exclusionary techniques.*

(2) *A person seeking limited certification under this section must pass an examination administered by the department. An application for examination must be accompanied by an examination fee set by rule of the department of at least \$150 but not to exceed \$300. The department shall provide the appropriate reference materials for the examination and make the examination readily available to applicants at least quarterly or as often as necessary in each county. Before the department issues a limited certification under this section, the person applying for certification must furnish proof that he or she holds a certificate of insurance stating that his or her employer meets the requirements for minimum financial responsibility in s. 482.071(4).*

(3) *An application for recertification under this section must be submitted biennially and must be accompanied by a recertification fee set by rule of the department of at least \$150 but not to exceed \$300. The application must also be accompanied by proof that:*

(a) *The applicant completed 4 classroom hours of acceptable continuing education.*

(b) *The applicant holds a certificate of insurance stating that his or her employer meets the requirements for minimum financial responsibility in s. 482.071(4).*

(4) *The department shall establish a grace period, not to exceed 30 calendar days after a biennial date established by the department on which recertification is due. The department shall assess a late charge of \$50, in addition to the recertification fee, to commercial wildlife management personnel who are recertified after the grace period.*

(5) *A limited certification automatically expires 180 calendar days after the biennial date on which recertification is due unless the commercial wildlife personnel are recertified before the certification expires. Once a certification expires, certification may be issued only upon successful reexamination and payment of the examination fees.*

(6) *Certification under this section does not authorize:*

(a) *Use of any pesticide or chemical substance, other than adhesive materials, to control pest birds, rodents, or other nuisance wildlife in, on, or under a structure.*

(b) *Operation of a pest control business.*

(c) *Supervision of a certified person.*

Section 7. Subsection (6) of section 482.226, Florida Statutes, is amended to read:

482.226 Wood-destroying organism inspection report; notice of inspection or treatment; financial responsibility.—

(6) Any licensee that performs wood-destroying organism inspections in accordance with subsection (1) must meet minimum financial responsibility in the form of errors and omissions (professional liability) insurance coverage or bond in an amount no less than \$250,000 ~~\$50,000~~ in the aggregate ~~and \$25,000 per occurrence~~, or demonstrate that the licensee has equity or net worth of no less than \$500,000 ~~\$100,000~~ as determined by generally accepted accounting principles substantiated by a certified public accountant's review or certified audit. The licensee must show proof of meeting this requirement at the time of license application or renewal thereof.

Section 8. Subsection (1) of section 493.6102, Florida Statutes, is amended to read:

493.6102 Inapplicability of this chapter.—This chapter shall not apply to:

(1) Any individual who is an "officer" as defined in s. 943.10(14), or ~~is~~ a law enforcement officer of the United States Government, while ~~the~~ ~~such~~ local, state, or federal officer is engaged in her or his official duties or, *if approved by the officer's supervisors*, when performing off-duty activities as a security officer ~~activities approved by her or his superiors~~.

Section 9. Section 493.6105, Florida Statutes, is amended to read:

493.6105 Initial application for license.—

(1) Each individual, partner, or principal officer in a corporation, shall file with the department a complete application accompanied by an application fee not to exceed \$60, except that the applicant for a Class "D" or Class "G" license shall not be required to submit an application fee. The application fee shall not be refundable.

(a) The application submitted by any individual, partner, or corporate officer shall be approved by the department prior to that individual, partner, or corporate officer assuming his or her duties.

(b) Individuals who invest in the ownership of a licensed agency, but do not participate in, direct, or control the operations of the agency shall not be required to file an application.

(2) Each application shall be signed *and verified* by the individual under oath as provided in s. 92.525 ~~and shall be notarized~~.

(3) The application shall contain the following information concerning the individual signing same:

- (a) Name and any aliases.
- (b) Age and date of birth.
- (c) Place of birth.
- (d) Social security number or alien registration number, whichever is applicable.
- (e) Present residence address ~~and his or her residence addresses within the 5 years immediately preceding the submission of the application.~~
- ~~(f) Occupations held presently and within the 5 years immediately preceding the submission of the application.~~
- ~~(g)~~ (f) A statement of all *criminal convictions, findings of guilt, and pleas of guilty or nolo contendere, regardless of adjudication of guilt.*
- (g) *One passport-type color photograph taken within the 6 months immediately preceding submission of the application.*
- (h) A statement whether he or she has ever been adjudicated incompetent under chapter 744.
- (i) A statement whether he or she has ever been committed to a mental institution under chapter 394.
- (j) A full set of fingerprints on a card provided by the department and a fingerprint fee to be established by rule of the department based upon costs determined by state and federal agency charges and department processing costs. An applicant who has, within the immediately preceding 6 months, submitted a fingerprint card and fee for licensing purposes under this chapter shall not be required to submit another fingerprint card or fee.
- (k) A personal inquiry waiver which allows the department to conduct necessary investigations to satisfy the requirements of this chapter.
- (l) Such further facts as may be required by the department to show that the individual signing the application is of good moral character and qualified by experience and training to satisfy the requirements of this chapter.

~~(4) In addition to the application requirements outlined in subsection (3), the applicant for a Class "C," Class "CC," Class "E," Class "EE," or Class "G" license shall submit two color photographs taken within the 6 months immediately preceding the submission of the application, which meet specifications prescribed by rule of the department. All other applicants shall submit one photograph taken within the 6 months immediately preceding the submission of the application.~~

(4) ~~(5)~~ In addition to the application requirements outlined under subsection (3), the applicant for a Class "C," Class "E," Class "M," Class "MA," Class "MB," or Class "MR" license shall include a statement on a form provided by the department of the experience which he or she believes will qualify him or her for such license.

(5) ~~(6)~~ In addition to the requirements outlined in subsection (3), an applicant for a Class "G" license shall satisfy minimum training criteria for firearms established by rule of the department, which training criteria shall include, but is not limited to, 28 hours of range and classroom training taught and administered by a Class "K" licensee; however, no more than 8 hours of such training shall consist of range training. If the applicant can show proof that he or she is an active law enforcement officer currently certified under the Criminal Justice Standards and Training Commission or has completed the training required for that certification within the last 12 months, or if the applicant submits one of the certificates specified in paragraph (6)(a) ~~(7)(a)~~, the department may waive the foregoing firearms training requirement.

(6) ~~(7)~~ In addition to the requirements under subsection (3), an applicant for a Class "K" license shall:

- (a) Submit one of the following certificates:

1. The Florida Criminal Justice Standards and Training Commission ~~Firearms~~ Instructor's Certificate *and confirmation by the commission that the applicant is authorized to provide firearms instruction.*

2. The National Rifle Association *Law Enforcement Police* Firearms Instructor's Certificate.

~~3. The National Rifle Association Security Firearms Instructor's Certificate.~~

3. 4. A firearms instructor's *training certificate issued by any branch of the United States Armed Forces, from a federal law enforcement academy or agency, state, county, or municipal police academy in this state recognized as such by the Criminal Justice Standards and Training Commission or by the Department of Education.*

(b) Pay the fee for and pass an examination administered by the department which shall be based upon, but is not necessarily limited to, a firearms instruction manual provided by the department.

(7) ~~(8)~~ In addition to the application requirements for individuals, partners, or officers outlined under subsection (3), the application for an agency license shall contain the following information:

- (a) The proposed name under which the agency intends to operate.
- (b) The street address, mailing address, and telephone numbers of the principal location at which business is to be conducted in this state.
- (c) The street address, mailing address, and telephone numbers of all branch offices within this state.
- (d) The names and titles of all partners or, in the case of a corporation, the names and titles of its principal officers.

(8) ~~(9)~~ Upon submission of a complete application, a Class "CC," Class "C," Class "D," Class "EE," Class "E," Class "M," Class "MA," Class "MB," or Class "MR" applicant may commence employment or appropriate duties for a licensed agency or branch office. However, the Class "C" or Class "E" applicant must work under the direction and control of a sponsoring licensee while his or her application is being processed. If the department denies application for licensure, the employment of the applicant must be terminated immediately, unless he or she performs only unregulated duties.

Section 10. Paragraph (f) of subsection (1) and paragraph (a) of subsection (2) of section 493.6106, Florida Statutes, are amended, and paragraph (g) is added to subsection (1) of that section, to read:

493.6106 License requirements; posting.—

(1) Each individual licensed by the department must:

(f) Be a citizen or *permanent* legal resident alien of the United States or have *appropriate* ~~been granted~~ authorization *issued to seek employment in this country* by the United States Bureau of Citizenship and Immigration Services *of the United States Department of Homeland Security.*

1. *An applicant for a Class "C," Class "CC," Class "D," Class "DI," Class "E," Class "EE," Class "M," Class "MA," Class "MB," Class "MR," or Class "RI" license who is not a United States citizen must submit proof of current employment authorization issued by the United States Bureau of Citizenship and Immigration Services or proof that she or he is deemed a permanent legal resident alien by the United States Bureau of Citizenship and Immigration Services.*

2. *An applicant for a Class "G" or Class "K" license who is not a United States citizen must submit proof that she or he is deemed a permanent legal resident alien by the United States Bureau of Citizenship and Immigration Services, together with additional documentation establishing that she or he has resided in the state of residence shown on the application for at least 90 consecutive days before the date that the application is submitted.*

3. *An applicant for an agency or school license who is not a United States citizen or permanent legal resident alien must submit documentation issued by the United States Bureau of Citizenship and Immigration Services stating that she or he is lawfully in the United States and is authorized to own and operate the type of agency or school for*

which she or he is applying. An employment authorization card issued by the United States Bureau of Citizenship and Immigration Services is not sufficient documentation.

(g) Not be prohibited from purchasing or possessing a firearm by state or federal law if the individual is applying for a Class "G" license or a Class "K" license.

(2) Each agency shall have a minimum of one physical location within this state from which the normal business of the agency is conducted, and this location shall be considered the primary office for that agency in this state.

(a) If an agency or branch office desires to change the physical location of the business, as it appears on the agency license, the department must be notified within 10 days of the change, and, except upon renewal, the fee prescribed in s. 493.6107 must be submitted for each license requiring revision. Each license requiring revision must be returned with such notification.

Section 11. Subsection (3) of section 493.6107, Florida Statutes, is amended to read:

493.6107 Fees.—

(3) The fees set forth in this section must be paid by certified check or money order or, at the discretion of the department, by agency check at the time the application is approved, except that the applicant for a Class "G" or Class "M" license must pay the license fee at the time the application is made. If a license is revoked or denied or if the application is withdrawn, the license fee shall not be refunded.

Section 12. Paragraph (a) of subsection (1) and subsection (3) of section 493.6108, Florida Statutes, are amended to read:

493.6108 Investigation of applicants by Department of Agriculture and Consumer Services.—

(1) Except as otherwise provided, prior to the issuance of a license under this chapter, the department shall make an investigation of the applicant for a license. The investigation shall include:

(a)1. An examination of fingerprint records and police records. When a criminal history analysis of any applicant under this chapter is performed by means of fingerprint card identification, the time limitations prescribed by s. 120.60(1) shall be tolled during the time the applicant's fingerprint card is under review by the Department of Law Enforcement or the United States Department of Justice, Federal Bureau of Investigation.

2. If a legible set of fingerprints, as determined by the Department of Law Enforcement or the Federal Bureau of Investigation, cannot be obtained after two attempts, the Department of Agriculture and Consumer Services may determine the applicant's eligibility based upon a criminal history record check under the applicant's name conducted by the Department of Law Enforcement if the and the Federal Bureau of Investigation. A set of fingerprints are taken by a law enforcement agency or the department and the applicant submits a written statement signed by the fingerprint technician or a licensed physician stating that there is a physical condition that precludes obtaining a legible set of fingerprints or that the fingerprints taken are the best that can be obtained is sufficient to meet this requirement.

(3) The department shall also investigate the mental history and current mental and emotional fitness of any Class "G" or Class "K" applicant, and may deny a Class "G" or Class "K" license to anyone who has a history of mental illness or drug or alcohol abuse.

Section 13. Subsection (4) of section 493.6111, Florida Statutes, is amended to read:

493.6111 License; contents; identification card.—

(4) Notwithstanding the existence of a valid Florida corporate registration, an no agency or school licensee may not conduct activities regulated under this chapter under any fictitious name without prior written authorization from the department to use that name in the conduct of activities regulated under this chapter. The department may not authorize the use of a name which is so similar to that of a public officer or agency, or of that used by another licensee, that the public may

be confused or misled thereby. The authorization for the use of a fictitious name shall require, as a condition precedent to the use of such name, the filing of a certificate of engaging in business under a fictitious name under s. 865.09. A No licensee may not shall be permitted to conduct business under more than one fictitious name except as separately licensed nor shall the license be valid to protect any licensee who is engaged in the business under any name other than that specified in the license. An agency desiring to change its licensed name shall notify the department and, except upon renewal, pay a fee not to exceed \$30 for each license requiring revision including those of all licensed employees except Class "D" or Class "G" licensees. Upon the return of such licenses to the department, revised licenses shall be provided.

Section 14. Subsection (2) and paragraph (a) of subsection (3) of section 493.6113, Florida Statutes, are amended to read:

493.6113 Renewal application for licensure.—

(2) At least No less than 90 days before prior to the expiration date of the license, the department shall mail a written notice to the last known mailing residence address of the licensee for individual licensees and to the last known agency address for agencies.

(3) Each licensee shall be responsible for renewing his or her license on or before its expiration by filing with the department an application for renewal accompanied by payment of the prescribed license fee.

(a) Each Class "B" Class "A," Class "B," or Class "R" licensee shall additionally submit on a form prescribed by the department a certification of insurance which evidences that the licensee maintains coverage as required under s. 493.6110.

Section 15. Subsection (8), paragraph (d) of subsection (12), and subsection (16) of section 493.6115, Florida Statutes, are amended to read:

493.6115 Weapons and firearms.—

(8) A Class "G" applicant must satisfy the minimum training criteria as set forth in s. 493.6105(5) (6) and as established by rule of the department.

(12) The department may issue a temporary Class "G" license, on a case-by-case basis, if:

(d) The applicant has received approval from the department subsequent to its conduct of a criminal history record check as authorized in s. 493.6108(1)(a)1. ~~493.6121(6).~~

(16) If the criminal history record check program referenced in s. 493.6108(1)(a)1. ~~493.6121(6)~~ is inoperable, the department may issue a temporary "G" license on a case-by-case basis, provided that the applicant has met all statutory requirements for the issuance of a temporary "G" license as specified in subsection (12), excepting the criminal history record check stipulated there; provided, that the department requires that the licensed employer of the applicant conduct a criminal history record check of the applicant pursuant to standards set forth in rule by the department, and provide to the department an affidavit containing such information and statements as required by the department, including a statement that the criminal history record check did not indicate the existence of any criminal history that would prohibit licensure. Failure to properly conduct such a check, or knowingly providing incorrect or misleading information or statements in the affidavit shall constitute grounds for disciplinary action against the licensed agency, including revocation of license.

Section 16. Paragraph (u) of subsection (1) of section 493.6118, Florida Statutes, is redesignated as paragraph (v), and a new paragraph (u) is added to that subsection to read:

493.6118 Grounds for disciplinary action.—

(1) The following constitute grounds for which disciplinary action specified in subsection (2) may be taken by the department against any licensee, agency, or applicant regulated by this chapter, or any unlicensed person engaged in activities regulated under this chapter.

(u) For a Class "G" or a Class "K" applicant or licensee, being prohibited from purchasing or possessing a firearm by state or federal law.

Section 17. Subsections (7) and (8) of section 493.6121, Florida Statutes, are renumbered as subsections (6) and (7), respectively, and present subsection (6) of that section is amended, to read:

493.6121 Enforcement; investigation.—

~~(6) The department shall be provided access to the program that is operated by the Department of Law Enforcement, pursuant to s. 790.065, for providing criminal history record information to licensed gun dealers, manufacturers, and exporters. The department may make inquiries, and shall receive responses in the same fashion as provided under s. 790.065. The department shall be responsible for payment to the Department of Law Enforcement of the same fees as charged to others afforded access to the program.~~

Section 18. Subsection (3) of section 493.6202, Florida Statutes, is amended to read:

493.6202 Fees.—

(3) The fees set forth in this section must be paid by certified check or money order ~~or, at the discretion of the department, by agency check~~ at the time the application is approved, except that the applicant for a Class “G,” Class “C,” Class “CC,” Class “M,” or Class “MA” license must pay the license fee at the time the application is made. If a license is revoked or denied or if the application is withdrawn, the license fee shall not be refunded.

Section 19. Subsections (2), (4), and (6) of section 493.6203, Florida Statutes, are amended to read:

493.6203 License requirements.—In addition to the license requirements set forth elsewhere in this chapter, each individual or agency shall comply with the following additional requirements:

(2) An applicant for a Class “MA” license shall have 2 years of lawfully gained, verifiable, full-time experience, or training in:

(a) Private investigative work or related fields of work that provided equivalent experience or training;

(b) Work as a Class “CC” licensed intern;

(c) Any combination of paragraphs (a) and (b);

(d) Experience described in paragraph (a) for 1 year and experience described in paragraph (e) for 1 year;

(e) No more than 1 year using:

1. College coursework related to criminal justice, criminology, or law enforcement administration; or

2. Successfully completed law enforcement-related training received from any federal, state, county, or municipal agency; or

(f) Experience described in paragraph (a) for 1 year and work in a managerial or supervisory capacity for 1 year.

However, experience in performing bodyguard services is not creditable toward the requirements of this subsection.

(4) An applicant for a Class “C” license shall have 2 years of lawfully gained, verifiable, full-time experience, or training in one, or a combination of more than one, of the following:

(a) Private investigative work or related fields of work that provided equivalent experience or training.

(b) College coursework related to criminal justice, criminology, or law enforcement administration, or successful completion of any law enforcement-related training received from any federal, state, county, or municipal agency, except that no more than 1 year may be used from this category.

(c) Work as a Class “CC” licensed intern.

However, experience in performing bodyguard services is not creditable toward the requirements of this subsection.

(6)(a) A Class “CC” licensee shall serve an internship under the direction and control of a designated sponsor, who is a Class “C,” Class “MA,” or Class “M” licensee.

(b) ~~Effective July 1, 2009 September 1, 2008, before submission of an application to the department, the an applicant for a Class “CC” license must have completed a minimum of 40 at least 24 hours of professional training a 40-hour course~~ pertaining to general investigative techniques and this chapter, which course is offered by a state university or by a school, community college, college, or university under the purview of the Department of Education, and the applicant must pass an examination. ~~The training must be provided in two parts, one 24-hour course and one 16-hour course. The certificate evidencing satisfactory completion of the 40 at least 24 hours of professional training a 40-hour course must be submitted with the application for a Class “CC” license. The remaining 16 hours must be completed and an examination passed within 180 days. If documentation of completion of the required training is not submitted within the specified timeframe, the individual’s license is automatically suspended or his or her authority to work as a Class “CC” pursuant to s. 493.6105(9) is rescinded until such time as proof of certificate of completion is provided to the department.~~ The training course specified in this paragraph may be provided by face-to-face presentation, online technology, or a home study course in accordance with rules and procedures of the Department of Education. The administrator of the examination must verify the identity of each applicant taking the examination.

1. Upon an applicant’s successful completion of each part of the approved ~~training course~~ and passage of any required examination, the school, community college, college, or university shall issue a certificate of completion to the applicant. The certificates must be on a form established by rule of the department.

2. The department shall establish by rule the general content of the ~~professional training course~~ and the examination criteria.

3. If the license of an applicant for relicensure ~~is has been~~ invalid for more than 1 year, the applicant must complete the required training and pass any required examination.

(c) ~~An individual who submits an application for a Class “CC” license on or after September 1, 2008, through June 30, 2009, who has not completed the 16-hour course must submit proof of successful completion of the course within 180 days after the date the application is submitted. If documentation of completion of the required training is not submitted by that date, the individual’s license is automatically suspended until proof of the required training is submitted to the department. An individual licensed on or before August 31, 2008, is not required to complete additional training hours in order to renew an active license beyond the required total amount of training, and within the timeframe, in effect at the time he or she was licensed.~~

Section 20. Subsection (3) of section 493.6302, Florida Statutes, is amended to read:

493.6302 Fees.—

(3) The fees set forth in this section must be paid by certified check or money order ~~or, at the discretion of the department, by agency check~~ at the time the application is approved, except that the applicant for a Class “D,” Class “G,” Class “M,” or Class “MB” license must pay the license fee at the time the application is made. If a license is revoked or denied or if the application is withdrawn, the license fee shall not be refunded.

Section 21. Subsection (4) of section 493.6303, Florida Statutes, is amended to read:

493.6303 License requirements.—In addition to the license requirements set forth elsewhere in this chapter, each individual or agency shall comply with the following additional requirements:

(4)(a) ~~Effective July 1, 2009, an applicant for a Class “D” license must submit proof of successful completion of complete~~ a minimum of 40 hours of professional training at a school or training facility licensed by the department. ~~The training must be provided in two parts, one 24-hour course and one 16-hour course.~~ The department shall by rule establish the general content and number of hours of each subject area to be taught.

(b) *An individual who submits an application for a Class "D" license on or after January 1, 2007, through June 30, 2009, who has not completed the 16-hour course must submit proof of successful completion of the course within 180 days after the date the application is submitted. If documentation of completion of the required training is not submitted by that date, the individual's license is automatically suspended until proof of the required training is submitted to the department. This section does not require a person licensed before January 1, 2007, to complete additional training hours in order to renew an active license beyond the required total amount of training within the timeframe prescribed by law at the time he or she was licensed. An applicant may fulfill the training requirement prescribed in paragraph (a) by submitting proof of:*

~~1. Successful completion of the total number of required hours of training before initial application for a Class "D" license; or~~

~~2. Successful completion of 24 hours of training before initial application for a Class "D" license and successful completion of the remaining 16 hours of training within 180 days after the date that the application is submitted. If documentation of completion of the required training is not submitted within the specified timeframe, the individual's license is automatically suspended until such time as proof of the required training is provided to the department.~~

~~(c) An individual However, any person whose license is suspended or has been revoked, suspended pursuant to paragraph (b) subparagraph 2, or is expired for at least 1 year, or longer is considered, upon re-application for a license, an initial applicant and must submit proof of successful completion of 40 hours of professional training at a school or training facility licensed by the department as provided prescribed in paragraph (a) before a license is will be issued. Any person whose license was issued before January 1, 2007, and whose license has been expired for less than 1 year must, upon reapplication for a license, submit documentation of completion of the total number of hours of training prescribed by law at the time her or his initial license was issued before another license will be issued. This subsection does not require an individual licensed before January 1, 2007, to complete additional training hours in order to renew an active license, beyond the required total amount of training within the timeframe prescribed by law at the time she or he was licensed.~~

Section 22. Subsection (2) of section 493.6304, Florida Statutes, is amended to read:

493.6304 Security officer school or training facility.—

(2) The application shall be signed and verified by the applicant under oath as provided in s. 92.525 ~~notarized~~ and shall contain, at a minimum, the following information:

(a) The name and address of the school or training facility and, if the applicant is an individual, her or his name, address, and social security or alien registration number.

(b) The street address of the place at which the training is to be conducted.

(c) A copy of the training curriculum and final examination to be administered.

Section 23. Subsections (7) and (8) of section 493.6401, Florida Statutes, are amended to read:

493.6401 Classes of licenses.—

(7) Any person who operates a *recovery agent repossessor* school or training facility or who conducts an Internet-based training course or a correspondence training course must have a Class "RS" license.

(8) Any individual who teaches or instructs at a Class "RS" *recovery agent repossessor* school or training facility shall have a Class "RI" license.

Section 24. Paragraphs (f) and (g) of subsection (1) and subsection (3) of section 493.6402, Florida Statutes, are amended to read:

493.6402 Fees.—

(1) The department shall establish by rule biennial license fees which shall not exceed the following:

(f) Class "RS" *license recovery agent license—repossessor* school or training facility: \$60.

(g) Class "RI" *license recovery agent license—repossessor* school or training facility instructor: \$60.

(3) The fees set forth in this section must be paid by ~~certified check or money order, or, at the discretion of the department, by agency check~~ at the time the application is approved, except that the applicant for a Class "E," Class "EE," or Class "MR" license must pay the license fee at the time the application is made. If a license is revoked or denied, or if an application is withdrawn, the license fee shall not be refunded.

Section 25. Subsections (1) and (2) of section 493.6406, Florida Statutes, are amended to read:

493.6406 *Recovery agent Repossession services* school or training facility.—

(1) Any school, training facility, or instructor who offers the training outlined in s. 493.6403(2) for *Class "E" or Class "EE"* applicants shall, before licensure of such school, training facility, or instructor, file with the department an application accompanied by an application fee in an amount to be determined by rule, not to exceed \$60. The fee shall not be refundable. This training may be offered as face-to-face training, Internet-based training, or correspondence training.

(2) The application shall be signed and *verified by the applicant under oath as provided in s. 92.525* ~~notarized~~ and shall contain, at a minimum, the following information:

(a) The name and address of the school or training facility and, if the applicant is an individual, his or her name, address, and social security or alien registration number.

(b) The street address of the place at which the training is to be conducted or the street address of the Class "RS" school offering Internet-based or correspondence training.

(c) A copy of the training curriculum and final examination to be administered.

Section 26. Paragraph (a) of subsection (2) of section 501.605, Florida Statutes, is amended to read:

501.605 Licensure of commercial telephone sellers.—

(2) An applicant for a license as a commercial telephone seller must submit to the department, in such form as it prescribes, a written application for the license. The application must set forth the following information:

(a) The true name, date of birth, driver's license number, ~~social security number~~, and home address of the applicant, including each name under which he or she intends to do business.

The application shall be accompanied by a copy of any: Script, outline, or presentation the applicant will require or suggest a salesperson to use when soliciting, or, if no such document is used, a statement to that effect; sales information or literature to be provided by the applicant to a salesperson; and sales information or literature to be provided by the applicant to a purchaser in connection with any solicitation.

Section 27. Paragraph (a) of subsection (1) of section 501.607, Florida Statutes, is amended to read:

501.607 Licensure of salespersons.—

(1) An applicant for a license as a salesperson must submit to the department, in such form as it prescribes, a written application for a license. The application must set forth the following information:

(a) The true name, date of birth, driver's license number, ~~social security number~~, and home address of the applicant.

Section 28. Subsection (2) of section 501.913, Florida Statutes, is amended to read:

501.913 Registration.—

(2) The completed application shall be accompanied by:

- (a) Specimens or facsimiles of the label for each brand of antifreeze;
- (b) An application fee of \$200 for each brand; and
- (c) A properly labeled sample of *at least 1 gallon, but not more than 2 gallons, of each brand of antifreeze.*

Section 29. Subsection (2) of section 525.01, Florida Statutes, is amended to read:

525.01 Gasoline and oil to be inspected.—

(2) All petroleum fuels ~~are shall be~~ subject to inspection and analysis by the department. Before selling or offering for sale in this state any petroleum fuel, all manufacturers, *terminal suppliers*, wholesalers, and *importers as defined in s. 206.01* ~~jobbers~~ shall file with the department:

- (a) An affidavit that they desire to do business in this state, and the name and address of the manufacturer of the petroleum fuel.
- (b) An affidavit stating that the petroleum fuel is in conformity with the standards prescribed by department rule.

Section 30. Subsections (1) and (3) of section 525.09, Florida Statutes, are amended to read:

525.09 Inspection fee.—

(1) For the purpose of defraying the expenses incident to inspecting, testing, and analyzing petroleum fuels in this state, there shall be paid to the department a charge of one-eighth cent per gallon on all gasoline, *alternative fuel containing alcohol as defined in s. 525.01(1)(c)1. or 2., kerosene (except when used as aviation turbine fuel), and #1 fuel oil for sale or use in this state.* This inspection fee shall be imposed in the same manner as the motor fuel tax pursuant to s. 206.41. Payment shall be made on or before the 25th day of each month.

(3) All remittances to the department for the inspection tax herein provided shall be accompanied by a detailed report under oath showing the number of gallons of gasoline, *alternative fuel containing alcohol as defined in s. 525.01(1)(c)1. and 2., kerosene, or fuel oil sold and delivered in each county.*

Section 31. Section 526.50, Florida Statutes, is amended to read:

526.50 Definition of terms.—As used in this part:

(1) “Brake fluid” means the fluid intended for use as the liquid medium through which force is transmitted in the hydraulic brake system of a vehicle operated upon the highways.

(2) “Brand” means the product name appearing on the label of a container of brake fluid.

(3) “Container” means any receptacle in which brake fluid is immediately contained when sold, but does not mean a carton or wrapping in which a number of such receptacles are shipped or stored or a tank car or truck.

(4) ~~(2)~~ “Department” means the Department of Agriculture and Consumer Services.

~~(3) “Sell” includes give, distribute, barter, exchange, trade, keep for sale, offer for sale or expose for sale, in any of their variant forms.~~

(5) “Formula” means the name of the chemical mixture or composition of the brake fluid product.

(6) ~~(4)~~ “Labeling” includes all written, printed or graphic representations, in any form whatsoever, imprinted upon or affixed to any container of brake fluid.

~~(5) “Container” means any receptacle in which brake fluid is immediately contained when sold, but does not mean a carton or wrapping in which a number of such receptacles are shipped or stored or a tank car or truck.~~

~~(7) (6)~~ “Permit year” means a period of 12 months commencing July 1 and ending on the next succeeding June 30.

~~(8) (7)~~ “Registrant” means any manufacturer, packer, distributor, seller, or other person who has registered a brake fluid with the department.

~~(9) “Sell” includes give, distribute, barter, exchange, trade, keep for sale, offer for sale or expose for sale, in any of their variant forms.~~

Section 32. Section 526.51, Florida Statutes, is amended to read:

526.51 Registration, ~~renewal and~~ fees; departmental expenses; cancellation or refusal to issue or renew.—

(1)(a) Application for registration of each brand of brake fluid shall be made on forms to be supplied by the department. The applicant shall give his or her name and address and the brand name of the brake fluid, state that he or she owns the brand name and has complete control over the product sold thereunder in Florida, and provide the name and address of the resident agent in Florida. If the applicant does not own the brand name but wishes to register the product with the department, a notarized affidavit that gives the applicant full authorization to register the brand name and that is signed by the owner of the brand name must accompany the application for registration. The affidavit must include all affected brand names, the owner’s company or corporate name and address, the applicant’s company or corporate name and address, and a statement from the owner authorizing the applicant to register the product with the department. The owner of the brand name shall maintain complete control over each product sold under that brand name in this state. All *first-time brand-formula combination new product* applications must be accompanied by a certified report from an independent testing laboratory, setting forth the analysis of the brake fluid which shall show its quality to be not less than the specifications established by the department for brake fluids. A sample of not less than 24 fluid ounces of brake fluid shall be submitted, in a container or containers, with labels representing exactly how the containers of brake fluid will be labeled when sold, and the sample and container shall be analyzed and inspected by the Division of Standards in order that compliance with the department’s specifications and labeling requirements may be verified. Upon approval of the application, the department shall register the brand name of the brake fluid and issue to the applicant a permit authorizing the registrant to sell the brake fluid in this state during the permit year specified in the permit.

(b) Each applicant shall pay a fee of \$100 with each application. *An applicant seeking reregistration of a previously registered brand-formula combination must submit a completed application and all materials required under this subsection to the department before the first day of the permit year. A brand-formula combination for which a completed application and all materials required under this subsection are not received before the first day of the permit year ceases to be registered with the department until a completed application and all materials required under this subsection are received and approved. Any fee, application, or materials received after the first day of the permit year, if the brand-formula combination was previously registered with the department, A permit may be renewed by application to the department, accompanied by a renewal fee of \$50 on or before the last day of the permit year immediately preceding the permit year for which application is made for renewal of registration. To any fee not paid when due, there shall accrue a penalty of \$25, which shall be added to the renewal fee. Renewals will be accepted only on brake fluids that have no change in formula, composition, or brand name.* Any change in formula, composition, or brand name of any brake fluid constitutes a new product that must be registered in accordance with this part.

(2) All fees collected under the provisions of this section shall be credited to the General Inspection Trust Fund of the department and all expenses incurred in the enforcement of this part shall be paid from said fund.

(3) The department may cancel ~~or~~; refuse to issue ~~or refuse to renew~~ any registration and permit after due notice and opportunity to be heard if it finds that the brake fluid is adulterated or misbranded or that the registrant has failed to comply with the provisions of this part or the rules and regulations promulgated thereunder.

Section 33. Paragraph (a) of subsection (3) of section 526.52, Florida Statutes, is amended to read:

526.52 Specifications; adulteration and misbranding.—

(3) Brake fluid is deemed to be misbranded:

(a) If its container does not bear on its side or top a label on which is printed the name and place of business of the registrant of the product, the words "brake fluid," and a statement that the product therein equals or exceeds the minimum specification of the Society of Automotive Engineers for heavy-duty-type brake fluid or equals or exceeds Federal Motor Vehicle Safety Standard No. 116 adopted by the United States Department of Transportation, heavy-duty type. By regulation the department may require that the duty-type classification appear on the label.

Section 34. Subsection (2) of section 526.53, Florida Statutes, is amended to read:

526.53 Enforcement; inspection and analysis, stop-sale and disposition, regulations.—

(2)(a) When any brake fluid is sold in violation of any of the provisions of this part, all such affected brake fluid of the same brand name on the same premises on which the violation occurred shall be placed under a stop-sale order by the department by serving the owner of the brand name, distributor, or other entity responsible for selling or distributing the product in the state with the stop-sale order. The department shall withdraw its stop-sale order upon the removal of the violation or upon voluntary destruction of the product, or other disposal approved by the department, under the supervision of the department.

(b) In addition to being subject to the stop-sale procedures above, unregistered brake fluid shall be held by the department or its representative, at a place to be designated in the stop-sale order, until properly registered and released in writing by the department or its representative. If application is has not been made for registration of the such product within 30 days after issue of the stop-sale order, such product shall be disposed of by the department, or, with the department's consent, by the business, to any tax-supported institution or agency of the state if the brake fluid meets legal specifications or by other disposal authorized by rule of the department if it fails to meet legal specifications.

Section 35. Subsections (2) and (5) of section 527.02, Florida Statutes, are amended to read:

527.02 License; penalty; fees.—

(2) Each business location of a person having multiple locations shall be separately licensed and must meet the requirements of this section. Such license shall be granted to any applicant determined by the department to be competent, qualified, and trustworthy who files with the department a surety bond, insurance affidavit, or other proof of insurance, as hereinafter specified, and pays for such license the following original application fee for new licenses and annual renewal fees for existing licenses:

License Category	Original Application Fee	Renewal Fee
Category I liquefied petroleum gas dealer	\$600 \$525	\$500 \$425
Category II liquefied petroleum gas dispenser	525	425 375
Category III liquefied petroleum gas cylinder exchange unit operator	125 100	75 65
Category IV liquefied petroleum gas dispenser and recreational vehicle servicer	525	425 400
Category V liquefied petroleum petroleum gases dealer for industrial	350 300	275 200

uses only

LP gas installer 400 ~~300~~ 300 ~~200~~

Specialty installer 300 250 ~~200~~

Dealer in appliances and equipment for use of liquefied petroleum gas 50 45

Manufacturer of liquefied petroleum gas appliances and equipment 525 425 ~~375~~

Requalifier of cylinders 525 425 ~~375~~

Fabricator, repairer, and tester of vehicles and cargo tanks 525 425 ~~375~~

(5) The license fee for a pipeline system operator shall be ~~\$350~~ ~~\$100 per system owned or operated by the person, not to exceed \$400 per license year.~~ Such license fee applies only to a pipeline system operator who owns or operates a liquefied petroleum gas pipeline system that is used to transmit liquefied petroleum gas from a common source to the ultimate customer and that serves 10 or more customers. The license shall be renewed each year at a fee of \$275 per year.

Section 36. Subsections (1) and (3) and paragraphs (a) and (c) of subsection (5) of section 527.0201, Florida Statutes, are amended to read:

527.0201 Qualifiers; master qualifiers; examinations.—

(1) In addition to the requirements of s. 527.02, any person applying for a license to engage in the activities of a pipeline system operator, category I liquefied petroleum gas dealer, category II liquefied petroleum gas dispenser, category IV liquefied petroleum gas dispenser and recreational vehicle servicer, category V liquefied petroleum gases dealer for industrial uses only, LP gas installer, specialty installer, requalifier ~~requalification~~ of cylinders, or fabricator, repairer, and tester of vehicles and cargo tanks must prove competency by passing a written examination administered by the department or its agent with a grade of at least 75 percent in each area tested ~~or above~~. Each applicant for examination shall submit a \$30 ~~\$20~~ nonrefundable fee. The department shall by rule specify the general areas of competency to be covered by each examination and the relative weight to be assigned in grading each area tested.

(3) Qualifier cards issued to category I liquefied petroleum gas dealers and liquefied petroleum gas installers shall expire 3 years after the date of issuance. All category I liquefied petroleum gas dealer qualifiers and liquefied petroleum gas installer qualifiers holding a valid qualifier card upon the effective date of this act shall retain their qualifier status until July 1, 2003, and may sit for the master qualifier examination at any time during that time period. All such category I liquefied petroleum gas dealer qualifiers and liquefied petroleum gas installer qualifiers may renew their qualification on or before July 1, 2003, upon application to the department, payment of a \$20 renewal fee, and documentation of the completion of a minimum of 16 ~~12~~ hours of approved continuing education courses, as defined by department rule, during the previous 3-year period. Applications for renewal must be made 30 calendar days prior to expiration. Persons failing to renew prior to the expiration date must reapply and take a qualifier competency examination in order to reestablish category I liquefied petroleum gas dealer qualifier and liquefied petroleum gas installer qualifier status. If a category I liquefied petroleum gas qualifier or liquefied petroleum gas installer qualifier becomes a master qualifier at any time during the effective date of the qualifier card, the card shall remain in effect until expiration of the master qualifier certification.

(5) In addition to all other licensing requirements, each category I liquefied petroleum gas dealer and liquefied petroleum gas installer must, at the time of application for licensure, identify to the department one master qualifier who is a full-time employee at the licensed location. This person shall be a manager, owner, or otherwise primarily responsible for overseeing the operations of the licensed location and must provide documentation to the department as provided by rule. The master qualifier requirement shall be in addition to the requirements of subsection (1).

(a) In order to apply for certification as a master qualifier, each applicant must be a category I liquefied petroleum gas dealer qualifier or liquefied petroleum gas installer qualifier, must be employed by a licensed category I liquefied petroleum gas dealer, liquefied petroleum gas installer, or applicant for such license, must provide documentation of a minimum of 1 year's work experience in the gas industry, and must pass a master qualifier competency examination. Master qualifier examinations shall be based on Florida's laws, rules, and adopted codes governing liquefied petroleum gas safety, general industry safety standards, and administrative procedures. The examination must be successfully ~~passed~~ ~~completed~~ by the applicant with a grade of *at least 75 percent or more*. Each applicant for master qualifier status shall submit to the department a nonrefundable \$50 ~~\$30~~ examination fee prior to the examination.

(c) Master qualifier status shall expire 3 years after the date of issuance of the certificate and may be renewed by submission to the department of documentation of completion of at least ~~16~~ ~~42~~ hours of approved continuing education courses during the 3-year period; proof of employment with a licensed category I liquefied petroleum gas dealer, liquefied petroleum gas installer, or applicant; and a \$30 certificate renewal fee. The department shall define, by rule, approved courses of continuing education.

Section 37. Subsection (4) of section 527.021, Florida Statutes, is amended to read:

527.021 Registration of transport vehicles.—

(4) An inspection fee of \$75 ~~\$50~~ shall be assessed for each registered vehicle inspected by the department pursuant to s. 527.061. *Registered vehicles shall be inspected annually.* All inspection fees collected in connection with this section shall be deposited in the General Inspection Trust Fund for the purpose of administering the provisions of this chapter.

Section 38. Section 527.12, Florida Statutes, is amended to read:

527.12 Cease and desist orders; *stop-use orders; stop-operation orders; stop-sale orders;* administrative fines.—

(1) Whenever the department ~~has~~ ~~shall have~~ reason to believe that any person is *violating* or has *violated* ~~been violating~~ provisions of this chapter or any rules adopted *under this chapter pursuant thereto, the department* ~~it~~ may issue a cease and desist order, or impose a civil penalty, or do both ~~may issue such cease and desist order and impose a civil penalty.~~

(2) *Whenever a person or liquefied petroleum gas system or storage facility, or any part or component thereof, fails to comply with this chapter or any rules adopted under this chapter, the department may issue a stop-use order, stop-operation order, or stop-sale order.*

Section 39. Subsection (1) of section 559.805, Florida Statutes, is amended to read:

559.805 Filings with the department; disclosure of advertisement identification number.—

(1) Every seller of a business opportunity shall annually file with the department a copy of the disclosure statement required by s. 559.803 ~~before~~ ~~prior to~~ placing an advertisement or making any other representation designed to offer to, sell to, or solicit an offer to buy a business opportunity from a prospective purchaser in this state and shall update this filing by reporting any material change in the required information within 30 days after the material change occurs. An advertisement is not placed in the state merely because the publisher circulates, or there is circulated on his or her behalf in the state, any bona fide newspaper or other publication of general, regular, and paid circulation

which has had more than two-thirds of its circulation during the past 12 months outside the state or because a radio or television program originating outside the state is received in the state. If the seller is required by s. 559.807 to provide a bond or establish a trust account or guaranteed letter of credit, he or she shall contemporaneously file with the department a copy of the bond, a copy of the formal notification by the depositor that the trust account is established, or a copy of the guaranteed letter of credit. Every seller of a business opportunity shall file with the department a list of independent agents who will engage in the offer or sale of business opportunities on behalf of the seller in this state. This list must be kept current and shall include the following information: name, home and business address, telephone number, present employer, ~~social security number,~~ and birth date. ~~A No person may not shall be allowed to offer or sell business opportunities unless the required information is has been provided to the department.~~

Section 40. Subsection (3) of section 559.928, Florida Statutes, is amended to read:

559.928 Registration.—

(3) Each independent agent shall annually file an affidavit with the department ~~before~~ ~~prior to~~ engaging in business in this state. This affidavit must include the independent agent's full name, legal business or trade name, mailing address, business address, telephone number, ~~social security number,~~ and the name or names and addresses of each seller of travel represented by the independent agent. A letter evidencing proof of filing must be issued by the department and must be prominently displayed in the independent agent's primary place of business. Each independent agent must also submit an annual registration fee of \$50. All moneys collected pursuant to the imposition of the fee shall be deposited by the Chief Financial Officer into the General Inspection Trust Fund of the Department of Agriculture and Consumer Services for the sole purpose of administering this part. As used in this subsection, the term "independent agent" means a person who represents a seller of travel by soliciting persons on its behalf; who has a written contract with a seller of travel which is operating in compliance with this part and any rules adopted thereunder; who does not receive a fee, commission, or other valuable consideration directly from the purchaser for the seller of travel; who does not at any time have any unissued ticket stock or travel documents in his or her possession; and who does not have the ability to issue tickets, vacation certificates, or any other travel document. The term "independent agent" does not include an affiliate of the seller of travel, as that term is used in s. 559.935(3), or the employees of the seller of travel or of such affiliates.

Section 41. Subsection (7) of section 570.0725, Florida Statutes, is amended to read:

570.0725 Food recovery; legislative intent; department functions.—

(7) For public information purposes, the department ~~may~~ ~~shall~~ develop and provide a public information brochure detailing the need for food banks and similar of food recovery programs, the benefit of such food recovery programs, the manner in which such organizations may become involved in such food recovery programs, and the protection afforded to such programs under s. 768.136, ~~and the food recovery entities or food banks that exist in the state. This brochure must be updated annually.~~ A food bank or similar food recovery organization seeking to be included on a list of such organizations must notify the department and provide the information required by rule of the department. Such organizations are responsible for updating the information and providing the updated information to the department. The department may adopt rules to implement this section.

Section 42. Paragraph (e) of subsection (6) of section 570.53, Florida Statutes, is amended to read:

570.53 Division of Marketing and Development; powers and duties.—The powers and duties of the Division of Marketing and Development include, but are not limited to:

(6)

(e) Extending in every practicable way the distribution and sale of Florida agricultural products throughout the markets of the world as required of the department by s. ~~ss.~~ 570.07(7), (8), (10), and (11) ~~and 570.071~~ and chapters 571, 573, and 574.

Section 43. Subsection (2) of section 570.54, Florida Statutes, is amended to read:

570.54 Director; duties.—

(2) It shall be the duty of the director of this division to supervise, direct, and coordinate the activities authorized by ss. 570.07(4), (7), (8), (10), (11), (12), (17), (18), and (20), ~~570.071~~, 570.21, 534.47-534.53, and 604.15-604.34 and chapters 504, 571, 573, and 574 and to exercise other powers and authority as authorized by the department.

Section 44. Subsection (4) of section 570.55, Florida Statutes, is amended to read:

570.55 Identification of sellers or handlers of tropical or subtropical fruit and vegetables; containers specified; penalties.—

(4) IDENTIFICATION OF HANDLER.—At the time of each transaction involving the handling or sale of 55 pounds or more of tropical or subtropical fruit or vegetables in the primary channel of trade, the buyer or receiver of the tropical or subtropical fruit or vegetables shall demand a bill of sale, invoice, sales memorandum, or other document listing the date of the transaction, the quantity of the tropical or subtropical fruit or vegetables involved in the transaction, and the identification of the seller or handler as it appears on the driver's license of the seller or handler, including the driver's license number. If the seller or handler does not possess a driver's license, the buyer or receiver shall use any other acceptable means of identification, *which may include, but is not limited to, i.e., voter's registration card and number, draft card, social security card,* or other identification. However, no less than two identification documents shall be used. The identification of the seller or handler shall be recorded on the bill of sale, sales memorandum, invoice, or voucher, which shall be retained by the buyer or receiver for a period of not less than 1 year from the date of the transaction.

Section 45. Subsection (3) of section 570.902, Florida Statutes, is amended to read:

570.902 Definitions; ss. 570.902 and 570.903.—For the purpose of ss. 570.902 and 570.903:

~~(3) "Museum" means the Florida Agricultural Museum which is designated as the museum for agriculture and rural history of the State of Florida.~~

Section 46. Section 570.903, Florida Statutes, is amended to read:

570.903 Direct-support organization.—

(1) When the Legislature authorizes the establishment of a direct-support organization to provide assistance for the ~~museums~~, the Florida Agriculture in the Classroom Program, ~~the Florida State Collection of Arthropods~~, the Friends of the Florida State Forests Program of the Division of Forestry, and the Forestry Arson Alert Program, and other programs of the department, the following provisions shall govern the creation, use, powers, and duties of the direct-support organization.

(a) The department shall enter into a memorandum or letter of agreement with the direct-support organization, which shall specify the approval of the department, the powers and duties of the direct-support organization, and rules with which the direct-support organization shall comply.

(b) The department may permit, without charge, appropriate use of property, facilities, and personnel of the department by a direct-support organization, subject to the provisions of ss. 570.902 and 570.903. The use shall be directly in keeping with the approved purposes of the direct-support organization and shall not be made at times or places that would unreasonably interfere with opportunities for the general public to use department facilities for established purposes.

(c) The department shall prescribe by contract or by rule conditions with which a direct-support organization shall comply in order to use property, facilities, or personnel of the department ~~or museum~~. Such rules shall provide for budget and audit review and oversight by the department.

(d) The department shall not permit the use of property, facilities, or personnel of the ~~museum~~, department, or designated program by a direct-support organization which does not provide equal employment

opportunities to all persons regardless of race, color, religion, sex, age, or national origin.

(2)(a) The direct-support organization shall be empowered to conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer, in its own name, securities, funds, objects of value, or other property, real or personal; and make expenditures to or for the direct or indirect benefit of the ~~museum~~ or designated program.

(b) Notwithstanding the provisions of s. 287.057, the direct-support organization may enter into contracts or agreements with or without competitive bidding for the ~~restoration of objects, historical buildings, and other historical materials or for the purchase of objects, historical buildings, and other historical materials which are to be added to the collections of the museum,~~ or benefit of the designated program. However, before the direct-support organization may enter into a contract or agreement without competitive bidding, the direct-support organization shall file a certification of conditions and circumstances with the internal auditor of the department justifying each contract or agreement.

(c) Notwithstanding the provisions of s. 287.025(1)(e), the direct-support organization may enter into contracts to insure property of the ~~museum~~ or designated programs ~~and may insure objects or collections on loan from others in satisfying security terms of the lender.~~

(3) The direct-support organization shall provide for an annual financial audit in accordance with s. 215.981.

(4) Neither a designated program ~~or a museum~~, nor a nonprofit corporation trustee or employee may:

(a) Receive a commission, fee, or financial benefit in connection with the sale or exchange of ~~property historical objects or properties~~ to the direct-support organization, ~~the museum~~, or the designated program; or

(b) Be a business associate of any individual, firm, or organization involved in the sale or exchange of property to the direct-support organization, ~~the museum~~, or the designated program.

(5) All moneys received by the direct-support organization shall be deposited into an account of the direct-support organization and shall be used by the organization in a manner consistent with the goals of ~~the museum~~ or designated program.

(6) The identity of a donor or prospective donor who desires to remain anonymous and all information identifying such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(7) The Commissioner of Agriculture, or the commissioner's designee, may serve on the board of trustees and the executive committee of any direct-support organization established to benefit the museum or any designated program.

~~(8) The department shall establish by rule archival procedures relating to museum artifacts and records. The rules shall provide procedures which protect the museum's artifacts and records equivalent to those procedures which have been established by the Department of State under chapters 257 and 267.~~

Section 47. Subsection (4) of section 573.118, Florida Statutes, is amended to read:

573.118 Assessment; funds; audit; loans.—

(4) In the event of levying and collecting of assessments, for each fiscal year in which assessment funds are received by the department, the department shall *maintain records of collections and expenditures for each marketing order separately within the state's accounting system. If requested by an advisory council, department staff shall cause to be made a thorough annual audit of the books and accounts by a certified public accountant, such audit to be completed within 60 days after the request is received end of the fiscal year. The advisory council department and all producers and handlers covered by the marketing order shall be provided a copy of the properly advised of the details of the annual official audit of the accounts as shown by the certified public accountant within 30 days after completion of the audit.*

Section 48. Subsections (18) through (30) of section 581.011, Florida Statutes, are renumbered as subsections (17) through (29), respectively, and present subsections (17) and (20) of that section are amended to read:

581.011 Definitions.—As used in this chapter:

~~(17) “Museum” means the Florida State Collection of Arthropods.~~

(19) ~~(20)~~ “Nursery” means any grounds or premises on or in which nursery stock is grown, propagated, or held for sale or distribution, *including except where* aquatic plant species are tended for harvest in the natural environment.

Section 49. Paragraph (d) of subsection (14) of section 581.031, Florida Statutes, is amended to read:

581.031 Department; powers and duties.—The department has the following powers and duties:

(14)

(d) To prescribe a fee for these services, *if provided* the fee does not exceed the cost of the services rendered. Annual citrus source tree registration fees shall not exceed \$15 ~~\$5~~ per tree. If the fee has not been paid within 30 days of billing, a penalty of \$10 or 20 percent of the unpaid balance, whichever is greater, shall be assessed.

Section 50. Subsection (6) of section 581.131, Florida Statutes, is amended to read:

581.131 Certificate of registration.—

(6) Neither the certificate of registration fee nor the annual renewal fee shall exceed \$600 ~~\$460~~. The department may exempt from the payment of a certificate fee those governmental agency nurseries whose nursery stock is used exclusively for planting on their own property.

Section 51. Paragraph (a) of subsection (3) of section 581.211, Florida Statutes, is amended to read:

581.211 Penalties for violations.—

(3)(a)1. In addition to any other provision of law, the department may, after notice and hearing, impose an administrative fine not exceeding \$10,000 ~~\$5,000~~ for each violation of this chapter, upon any person, nurseryman, stock dealer, agent or plant broker. The fine, when paid, shall be deposited in the Plant Industry Trust Fund. In addition, the department may place the violator on probation for up to 1 year, with conditions.

2. The imposition of a fine or probation pursuant to this subsection may be in addition to or in lieu of the suspension or revocation of a certificate of registration or certificate of inspection.

Section 52. Section 583.13, Florida Statutes, is amended to read:

583.13 Labeling and advertising requirements for dressed poultry; unlawful acts.—

(1) It is unlawful for any dealer or broker to sell, offer for sale, or hold for the purpose of sale in the state any dressed or ready-to-cook poultry in bulk unless ~~the such~~ poultry is packed in a container clearly bearing a label, not less than 3 inches by 5 inches, on which shall be plainly and legibly printed, in letters of not less than *one-fourth inch* ~~1/4~~ in height, ~~the grade and the part name or whole-bird statement of such poultry. The grade may be expressed in the term “premium,” “good,” or “standard,” or as the grade of another state or federal agency the standards of quality of which, by law, are equal to the standards of quality provided by this law and rules promulgated hereunder.~~

(2) It is unlawful to sell unpackaged dressed or ready-to-cook poultry at retail unless such poultry is labeled by a placard immediately adjacent to the poultry or unless each bird is individually labeled to show ~~the grade and~~ the part name or whole-bird statement. The placard shall be no smaller than 7 inches by 7 inches in size, and the required labeling information shall be legibly and plainly printed on the placard in letters not smaller than 1 inch in height.

(3) It is unlawful to sell packaged dressed or ready-to-cook poultry at retail unless such poultry is labeled to show ~~the grade,~~ the part name or whole-bird statement, the net weight of the poultry, and the name and address of the dealer. The size of the type on the label must be one-eighth inch or larger. A placard immediately adjacent to such poultry may be used to indicate ~~the grade and~~ the part name or whole-bird statement, but not the net weight of the poultry or the name and address of the dealer.

(4) It is unlawful to use dressed or ready-to-cook poultry in bulk in the preparation of food served to the public, or to hold such poultry for the purpose of such use, unless the poultry when received was packed in a container clearly bearing a label, not less than 3 inches by 5 inches, on which was plainly and legibly printed, in letters not less than one-fourth inch in height, ~~the grade and~~ the part name or whole-bird statement of such poultry. ~~The grade may be expressed in the term “premium,” “good,” or “standard,” or as the grade of another state or federal agency the standards of quality of which, by law, are equal to the standards of quality provided by this law and rules promulgated hereunder.~~

(5) It is unlawful to offer dressed or ready-to-cook poultry for sale in any advertisement in a newspaper or circular, on radio or television, or in any other form of advertising without plainly designating in such advertisement ~~the grade and~~ the part name or whole-bird statement of such poultry.

Section 53. Subsections (4) and (5) of section 590.125, Florida Statutes, are renumbered as subsections (5) and (6), respectively, subsection (1), paragraph (b) of subsection (3), and paragraph (c) of present subsection (4) are amended, and new subsections (4) and (7) are added to that section, to read:

590.125 Open burning authorized by the division.—

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

(a) “*Certified pile burner*” means an individual who successfully completes the division’s pile burning certification program and possesses a valid pile burner certification number.

~~Prescribed burning” means the controlled application of fire in accordance with a written prescription for vegetative fuels under specified environmental conditions while following appropriate precautionary measures that ensure that the fire is confined to a predetermined area to accomplish the planned fire or land-management objectives.~~

(b) “Certified prescribed burn manager” means an individual who successfully completes the *certified prescribed burning certification* program of the division and possesses a valid certification number.

(c) ~~(d)~~ “Extinguished” means:

1. ~~that no spreading flame~~ For wild land burning or certified prescribed burning, *that no spreading flames exist.*

2. ~~and no visible flame, smoke, or emissions~~ For vegetative land-clearing debris burning or pile burning, *that no visible flames exist.*

3. *For vegetative land-clearing debris burning or pile burning in an area designated as smoke sensitive by the division, that no visible flames, smoke, or emissions exist.*

(d) “*Land-clearing operation*” means the uprooting or clearing of vegetation in connection with the construction of buildings and rights-of-way, land development, and mineral operations. The term does not include the clearing of yard trash.

(e) “*Pile burning*” means the burning of silvicultural, agricultural, or land-clearing and tree-cutting debris originating onsite, which is stacked together in a round or linear fashion, including, but not limited to, a windrow.

(f) “*Prescribed burning*” means the controlled application of fire in accordance with a written prescription for vegetative fuels under specified environmental conditions while following appropriate precautionary measures that ensure that the fire is confined to a predetermined area to accomplish the planned fire or land-management objectives.

(g) ~~(e)~~ “*Prescription*” means a written plan establishing the criteria necessary for starting, controlling, and extinguishing a prescribed burn.

(h) "Yard trash" means vegetative matter resulting from landscaping and yard maintenance operations and other such routine property cleanup activities. The term includes materials such as leaves, shrub trimmings, grass clippings, brush, and palm fronds.

(3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND PURPOSE.—

(b) Certified prescribed burning pertains only to broadcast burning for purposes of silviculture, wildlife management, ecological maintenance and restoration, and range and pasture management. It must be conducted in accordance with this subsection and:

1. May be accomplished only when a certified prescribed burn manager is present on site with a copy of the prescription from ignition of the burn to its completion.
2. Requires that a written prescription be prepared before receiving authorization to burn from the division.
3. Requires that the specific consent of the landowner or his or her designee be obtained before requesting an authorization.
4. Requires that an authorization to burn be obtained from the division before igniting the burn.
5. Requires that there be adequate firebreaks at the burn site and sufficient personnel and firefighting equipment for the control of the fire.
6. Is considered to be in the public interest and does not constitute a public or private nuisance when conducted under applicable state air pollution statutes and rules.
7. Is considered to be a property right of the property owner if vegetative fuels are burned as required in this subsection.

(4) CERTIFIED PILE BURNING; LEGISLATIVE FINDINGS AND PURPOSE.—

(a) Pile burning is a tool that benefits current and future generations in Florida by disposing of naturally occurring vegetative debris through burning rather than disposing of the debris in landfills.

(b) Certified pile burning pertains to the disposal of piled, naturally occurring debris from an agricultural, silvicultural, or temporary land-clearing operation. A land-clearing operation is temporary if it operates for 6 months or less. Certified pile burning must be conducted in accordance with this subsection, and:

1. A certified pile burner must ensure, before ignition, that the piles are properly placed and that the content of the piles is conducive to efficient burning.
2. A certified pile burner must ensure that the piles are properly extinguished no later than 1 hour after sunset. If the burn is conducted in an area designated by the division as smoke sensitive, a certified pile burner must ensure that the piles are properly extinguished at least 1 hour before sunset.
3. A written pile burn plan must be prepared before receiving authorization from the division to burn.
4. The specific consent of the landowner or his or her agent must be obtained before requesting authorization to burn.
5. An authorization to burn must be obtained from the division or its designated agent before igniting the burn.
6. There must be adequate firebreaks and sufficient personnel and firefighting equipment at the burn site to control the fire.

(c) If a burn is conducted in accordance with this subsection, the property owner and his or her agent are not liable under s. 590.13 for damage or injury caused by the fire or resulting smoke, and are not in violation of subsection (2), unless gross negligence is proven.

(d) A certified pile burner who violates this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(e) The division shall adopt rules regulating certified pile burning. The rules shall include procedures and criteria for certifying and decertifying certified pile burn managers based on past experience, training, and record of compliance with this section.

(5) (4) WILDFIRE HAZARD REDUCTION TREATMENT BY THE DIVISION.—The division may conduct fuel reduction initiatives, including, but not limited to, burning and mechanical and chemical treatment, on any area of wild land within the state which is reasonably determined to be in danger of wildfire in accordance with the following procedures:

(c) Prepare, and ~~send the county tax collector shall include with the annual tax statement,~~ a notice to be sent to all landowners in each area township designated by the division as a wildfire hazard area. The notice must describe particularly the area to be treated and the tentative date or dates of the treatment and must list the reasons for and the expected benefits from the wildfire hazard reduction.

(7) DIVISION APPROVAL OF LOCAL GOVERNMENT OPEN BURNING AUTHORIZATION PROGRAMS.—

(a) A county or municipality may exercise the division's authority, if delegated by the division under this subsection, to issue authorizations for the burning of yard trash or debris from land-clearing operations. A county's or municipality's existing or proposed open burning authorization program must:

1. Be approved by the division. The division shall not approve a program if it fails to meet the requirements of subsections (2) and (4) and any rules adopted under those subsections.
2. Provide by ordinance or local law the requirements for obtaining and performing a burn authorization that comply with subsections (2) and (4) and any rules adopted under those subsections.
3. Provide for the enforcement of the program's requirements.
4. Provide financial, personnel, and other resources needed to carry out the program.

(b) If the division determines that a county's or municipality's open burning authorization program does not comply with subsections (2) and (4) and any rules adopted under those subsections, the division shall require the county or municipality to take necessary corrective actions within a reasonable period, not to exceed 90 days.

1. If the county or municipality fails to take the necessary corrective actions within the required period, the division shall resume administration of the open burning authorization program in the county or municipality and the county or municipality shall cease administration of its program.

2. Each county and municipality administering an open burning authorization program must cooperate with and assist the division in carrying out the division's powers, duties, and functions.

3. A person who violates the requirements of a county's or municipality's open burning authorization program, as provided by ordinance or local law enacted pursuant to this section, commits a violation of this chapter, punishable as provided in s. 590.14.

Section 54. Subsection (4) of section 590.14, Florida Statutes, is renumbered as subsection (7), subsections (1) and (3) are amended, and new subsections (4), (5), and (6) are added to that section, to read:

590.14 Notice of violation; penalties.—

(1) If a division employee determines that a person has violated chapter 589, ~~or this chapter,~~ or any rule adopted by the division to administer provisions of law conferring duties upon the division, the division employee ~~he or she~~ may issue a notice of violation indicating the statute violated. This notice will be filed with the division and a copy forwarded to the appropriate law enforcement entity for further action if necessary.

(3) The department may also impose an administrative fine, not to exceed \$1,000 per violation of any section of chapter 589 or this chapter or violation of any rule adopted by the division to administer provisions of law conferring duties upon the division. The fine shall be based upon the

degree of damage, the prior violation record of the person, and whether the person knowingly provided false information to obtain an authorization. The fines shall be deposited in the Incidental Trust Fund of the division.

(4) A person may not:

(a) Fail to comply with any rule or order adopted by the division to administer provisions of law conferring duties upon the division; or

(b) Knowingly make any false statement or representation in any application, record, plan, or other document required by this chapter or any rules adopted under this chapter.

(5) A person who violates paragraph (4)(a) or paragraph (4)(b) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(6) It is the intent of the Legislature that a penalty imposed by a court under subsection (5) be of a severity that ensures immediate and continued compliance with this section.

Section 55. Paragraph (a) of subsection (1) of section 599.004, Florida Statutes, is amended to read:

599.004 Florida Farm Winery Program; registration; logo; fees.—

(1) The Florida Farm Winery Program is established within the Department of Agriculture and Consumer Services. Under this program, a winery may qualify as a tourist attraction only if it is registered with and certified by the department as a Florida Farm Winery. A winery may not claim to be certified unless it has received written approval from the department.

(a) To qualify as a certified Florida Farm Winery, a winery shall meet the following standards:

1. Produce or sell less than 250,000 gallons of wine annually.
2. Maintain a minimum of 10 acres of owned or managed land ~~vi- neyards~~ in Florida which produces commodities used in the production of wine.
3. Be open to the public for tours, tastings, and sales at least 30 hours each week.
4. Make annual application to the department for recognition as a Florida Farm Winery, on forms provided by the department.
5. Pay an annual application and registration fee of \$100.

Section 56. Subsection (11) is added to section 604.15, Florida Statutes, to read:

604.15 Dealers in agricultural products; definitions.—For the purpose of ss. 604.15-604.34, the following words and terms, when used, shall be construed to mean:

(11) “Responsible position” means a position within the business of a dealer in agricultural products that has the authority to negotiate or make the purchase of agricultural products on behalf of the dealer’s business or has principal active management authority over the business decisions, actions, and activities of the dealer’s business in this state.

Section 57. Section 604.19, Florida Statutes, is amended to read:

604.19 License; fee; bond; certificate of deposit; penalty.—Unless the department refuses the application on one or more of the grounds provided in this section, it shall issue to an applicant, upon the payment of required fees and the execution and delivery of a bond or certificate of deposit as provided in this section, a state license entitling the applicant to conduct business as a dealer in agricultural products for a 1-year period to coincide with the effective period of the bond or certificate of deposit furnished by the applicant. During the 1-year period covered by a license, if the supporting surety bond or certificate of deposit is canceled for any reason, the license shall automatically expire on the date the surety bond or certificate of deposit terminates, unless an acceptable replacement is in effect before the date of termination so that continual coverage occurs for the remaining period of the license. A surety company shall give the department a 30-day written notice of cancellation by

certified mail in order to cancel a bond. Cancellation of a bond or certificate of deposit ~~does shall~~ not relieve a surety company or financial institution of liability for purchases or sales occurring while the bond or certificate of deposit was in effect. The license fee, which must be paid for the principal place of business for a dealer in agricultural products, shall be based upon the amount of the dealer’s surety bond or certificate of deposit furnished by each dealer under the provisions of s. 604.20 and may not exceed \$500. For each additional place in which the applicant desires to conduct business and which the applicant names in the application, the additional license fee must be paid but may not exceed \$100 annually. ~~If a~~ ~~Should any~~ ~~dealer~~ in agricultural products fails, refuses, or neglects ~~fail, refuse, or neglect~~ to apply and qualify for the renewal of a license on or before ~~its~~ ~~the date of~~ ~~expiration date~~ ~~thereof~~, a penalty not to exceed \$100 shall apply to and be added to the ~~original~~ license fee for the principal place of business and to the license fee for each additional place of business named in the application and shall be paid by the applicant before the renewal license may be issued. The department by rule shall prescribe fee amounts sufficient to fund ss. 604.15-604.34.

Section 58. Subsections (1) and (4) of section 604.20, Florida Statutes, are amended to read:

604.20 Bond or certificate of deposit prerequisite; amount; form.—

(1) Before any license is issued, the applicant therefor shall make and deliver to the department a surety bond or certificate of deposit in the amount of at least \$5,000 or in such greater amount as the department may determine. No bond or certificate of deposit may be in an amount less than \$5,000. The penal sum of the bond or certificate of deposit to be furnished to the department by an applicant for license as a dealer in agricultural products shall be in an amount equal to twice the ~~average of the monthly dollar amounts~~ ~~amount~~ of agricultural products handled for a Florida producer or a producer’s agent or representative, by purchase or otherwise, ~~during the month of maximum transaction in such products~~ during the preceding 12-month period. ~~Only those months in which the applicant handled, by purchase or otherwise, amounts equal to or greater than \$1,000 shall be used to calculate the penal sum of the required bond or certificate of deposit.~~ An applicant for license who has not handled agricultural products for a Florida producer or a producer’s agent or representative, by purchase or otherwise, during the preceding 12-month period shall furnish a bond or certificate of deposit in an amount equal to twice the estimated ~~average of the monthly dollar amounts~~ ~~amount~~ of such agricultural products to be handled, by purchase or otherwise, ~~during the month of maximum transaction~~ during the next immediate 12 months. ~~Only those months in which the applicant anticipates handling, by purchase or otherwise, amounts equal to or greater than \$1,000 shall be used to calculate the penal sum of the required bond or certificate of deposit.~~ Such bond or certificate of deposit shall be provided or assigned in the exact name in which the dealer will conduct business subject to the provisions of ss. 604.15-604.34. Such bond must be executed by a surety company authorized to transact business in the state. For the purposes of ss. 604.19-604.21, the term “certificate of deposit” means a certificate of deposit at any recognized financial institution doing business in the United States. No certificate of deposit may be accepted in connection with an application for a dealer’s license unless the issuing institution is properly insured by either the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation. Such bond or any certificate of deposit assignment or agreement shall be upon a form prescribed or approved by the department and shall be conditioned to secure the faithful accounting for and payment, in the manner prescribed by s. 604.21(9), to producers or their agents or representatives of the proceeds of all agricultural products handled or purchased by such dealer, ~~and~~ to secure payment to dealers who sell agricultural products to such dealer, ~~and to pay any claims or costs ordered under s. 604.21 as the result of a complaint.~~ Such bond or certificate of deposit assignment or agreement shall include terms binding the instrument to the Commissioner of Agriculture. A certificate of deposit shall be presented with an assignment of applicant’s rights in the certificate in favor of the Commissioner of Agriculture on a form prescribed by the department and with a letter from the issuing institution acknowledging that the assignment has been properly recorded on the books of the issuing institution and will be honored by the issuing institution. Such assignment shall be irrevocable while the dealer’s license is in effect and for an additional period of 6 months after the termination or expiration of the dealer’s license, provided no complaint is pending against the licensee. If a complaint is pending, the assignment shall remain in effect until all actions on the

complaint have been finalized. The certificate of deposit may be released by the assignee of the financial institution to the licensee or the licensee's successors, assignee, or heirs if no claims are pending against the licensee before the department at the conclusion of 6 months after the last effective date of the license. No certificate of deposit shall be accepted that contains any provision that would give the issuing institution any prior rights or claim on the proceeds or principal of such certificate of deposit. The department shall determine by rule the maximum amount of bond or certificate of deposit required of a dealer and whether an annual bond or certificate of deposit will be required.

(4) The department may issue a conditional license to an applicant who is unable to provide a single bond or certificate of deposit in the full amount required by the calculation in subsection (1). The conditional license shall remain in effect for a 1-year period to coincide with the effective period of the bond or certificate of deposit furnished by the applicant. The applicant must provide at least the minimum \$5,000 bond or certificate of deposit as provided in subsection (1) together with *documentation from each of three separate bonding companies denying the applicants request for a surety bond in the full amount required in subsection (1) and one of the following:*

(a) A notarized affidavit limiting the handling of agricultural products, by purchase or otherwise, during their largest month to a minimum of one-half the amount of the bond or certificate of deposit provided by the applicant;

(b) A notarized affidavit stating that any subject agricultural products, handled by purchase or otherwise, exceeding one-half of the amount of the bond or certificate of deposit will be handled under the exemption provisions set forth in s. 604.16(2); or

(c) A second bond or certificate of deposit in such an amount that, when the penal sum of the second bond or certificate of deposit is added to the penal sum of the first bond or certificate of deposit, the combined penal sum will equal twice the dollar amount of agricultural products handled for a Florida producer or a producer's agent or representative, by purchase or otherwise, during the month of maximum transaction in such products during the preceding 12-month period.

The department or its agents may require from any licensee who is issued a conditional license verified statements of the volume of the licensee's business or may review the licensee's records at the licensee's place of business during normal business hours to determine the licensee's adherence to the conditions of the license. The failure of a licensee to furnish such statement or to make such records available shall be cause for suspension of the licensee's conditional license. If the department finds such failure to be willful, the conditional license may be revoked.

Section 59. Section 604.25, Florida Statutes, is amended to read:

604.25 *Denial of, refusal to renew ~~grant~~, or suspension or revocation of, license.—*

~~(1) The department may deny, refuse to renew, decline to grant a license or may suspend or revoke a license already granted if the applicant or licensee has:~~

~~(1) Suffered a monetary judgment entered against the applicant or licensee upon which is execution has been returned unsatisfied;~~

~~(2) Made false charges for handling or services rendered;~~

~~(3) Failed to account promptly and properly or to make settlements with any producer;~~

~~(4) Made any false statement or statements as to condition, quality, or quantity of goods received or held for sale when the true condition, quality, or quantity could have been ascertained by reasonable inspection;~~

~~(5) Made any false or misleading statement or statements as to market conditions or service rendered;~~

~~(6) Been guilty of a fraud in the attempt to procure, or the procurement of, a license;~~

~~(7) Directly or indirectly sold agricultural products received on consignment or on a net return basis for her or his own account, without prior authority from the producer consigning the same, or without notifying such producer;~~

~~(8) Failed to prevent a person from holding a position as the applicant's or licensee's owner, officer, director, general or managing partner, or employee Employed in a responsible position a person, or holding any other similarly situated position, if the person holds or has held a similar position with any entity that an officer of a corporation, who has failed to fully comply with an order of the department, has not satisfied a civil judgment held by the department, has pending any administrative or civil enforcement action by the department, or has pending any criminal charges pursuant to s. 604.30 at any time within 1 year after issuance;~~

~~(9) Violated any statute or rule relating to the purchase or sale of any agricultural product, whether or not such transaction is subject to the provisions of this chapter; or~~

~~(10) Failed to submit to the department an application, appropriate license fees, and an acceptable surety bond or certificate of deposit; or-~~

~~(11) Failed if a licensee fails or refused refuses to comply in full with an order of the department or failed to satisfy a civil judgment owed to the department, her or his license may be suspended or revoked, in which case she or he shall not be eligible for license for a period of 1 year or until she or he has fully complied with the order of the department.~~

~~(3) No person, or officer of a corporation, whose license has been suspended or revoked for failure to comply with an order of the department may hold a responsible position with a licensee for a period of 1 year or until the order of the department has been fully complied with.~~

Section 60. Subsections (18) and (19) of section 616.242, Florida Statutes, are renumbered as subsections (19) and (20), respectively, and a new subsection (18) is added to that section to read:

616.242 Safety standards for amusement rides.—

(18) STOP-OPERATION ORDERS.—If an owner or amusement ride fails to comply with this chapter or any rule adopted under this chapter, the department may issue a stop-operation order.

Section 61. Subsection (4) of section 686.201, Florida Statutes, is amended to read:

686.201 Sales representative contracts involving commissions; requirements; termination of agreement; civil remedies.—

(4) This section does not apply to persons licensed pursuant to chapter 475 who are performing services within the scope of their license or to contracts to which a seller of travel as defined in s. 559.927 is a party.

Section 62. Paragraph (c) of subsection (5) of section 790.06, Florida Statutes, is amended to read:

790.06 License to carry concealed weapon or firearm.—

(5) The applicant shall submit to the Department of Agriculture and Consumer Services:

(c) A full set of fingerprints of the applicant administered by a law enforcement agency or the Division of Licensing of the Department of Agriculture and Consumer Services.

Section 63. Sections 570.071 and 570.901, Florida Statutes, are repealed.

Section 64. Subsection (1) of section 205.064, Florida Statutes, is amended to read:

205.064 Farm, aquacultural, grove, horticultural, floricultural, tropical piscicultural, and tropical fish farm products; certain exemptions.—

(1) A local business tax receipt is not required of any natural person for the privilege of engaging in the selling of farm, aquacultural, grove, horticultural, floricultural, tropical piscicultural, or tropical fish farm

products, or products manufactured therefrom, except intoxicating liquors, wine, or beer, when such products were grown or produced by such ~~natural~~ person in the state.

Section 65. Subsection (20) of section 322.01, Florida Statutes, is amended to read:

322.01 Definitions.—As used in this chapter:

(20) “Farm tractor” means a motor vehicle *that is*:

(a) Operated principally on a farm, grove, or orchard in agricultural or horticultural pursuits and that is operated on the roads of this state only incidentally to transportation between the owner’s or operator’s headquarters and the farm, grove, or orchard or between one farm, grove, or orchard and another; or

(b) Designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

Section 66. Paragraph (n) of subsection (1) of section 500.03, Florida Statutes, is amended to read:

500.03 Definitions; construction; applicability.—

(1) For the purpose of this chapter, the term:

(n) “Food establishment” means any factory, food outlet, or any other facility manufacturing, processing, packing, holding, or preparing food, or selling food at wholesale or retail. The term does not include any business or activity that is regulated under chapter 509 or chapter 601. The term includes tomato packinghouses *and repackers* but does not include any other establishments that pack fruits and vegetables in their raw or natural states, including those fruits or vegetables that are washed, colored, or otherwise treated in their unpeeled, natural form before they are marketed.

Section 67. Section 500.70, Florida Statutes, is created to read:

500.70 *Tomato food safety standards; inspections; penalties; tomato good agricultural practices; tomato best management practices.—*

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

(a) *“Field packing” means the packing of tomatoes on a tomato farm or in a tomato greenhouse into containers for sale for human consumption without transporting the tomatoes to a packinghouse.*

(b) *“Packing” or “repacking” means the packing of tomatoes into containers for sale for human consumption. The term includes the sorting or separating of tomatoes into grades and sizes. The term also includes field packing.*

(c) *“Producing” means the planting, growing, or cultivating of tomatoes on a tomato farm or in a tomato greenhouse for sale for human consumption.*

(2) *The department may adopt rules establishing food safety standards to safeguard the public health and promote the public welfare by protecting the consuming public from injury caused by the adulteration or the microbiological, chemical, or radiological contamination of tomatoes. The rules must be based on federal requirements, available scientific research, generally accepted industry practices, and recommendations of food safety professionals. The rules shall apply to the producing, harvesting, packing, and repacking of tomatoes for sale for human consumption by a tomato farm, tomato greenhouse, or tomato packinghouse or repacker in this state. The rules may include, but are not limited to, standards for:*

(a) *Registration with the department of a person who produces, harvests, packs, or repacks tomatoes in this state who does not hold a food permit issued under s. 500.12.*

(b) *Proximity of domestic animals and livestock to the production areas for tomatoes.*

(c) *Food safety related use of water for irrigation during production and washing of tomatoes after harvest.*

(d) *Use of fertilizers.*

(e) *Cleaning and sanitation of containers, materials, equipment, vehicles, and facilities, including storage and ripening areas.*

(f) *Health, hygiene, and sanitation of employees who handle tomatoes.*

(g) *Training and continuing education of a person who produces, harvests, packs, or repacks tomatoes in this state, and the person’s employees who handle tomatoes.*

(h) *Labeling and recordkeeping, including standards for identifying and tracing tomatoes for sale for human consumption.*

(3)(a) *The department may inspect tomato farms, tomato greenhouses, tomato packinghouses, repacking locations, or any vehicle being used to transport or hold tomatoes to ensure compliance with the applicable provisions of this chapter, and the rules adopted under this chapter.*

(b) *The department may impose an administrative fine not to exceed \$5,000 per violation, or issue a written notice or warning under s. 500.179, against a person who violates any applicable provision of this section, or any rule adopted under this section.*

(4)(a) *The department may adopt rules establishing tomato good agricultural practices and tomato best management practices for the state’s tomato industry based on applicable federal requirements, available scientific research, generally accepted industry practices, and recommendations of food safety professionals.*

(b) *A person who documents compliance with the department’s rules, tomato good agricultural practices, and tomato best management practices is presumed to introduce tomatoes into the stream of commerce that are safe for human consumption, unless the department identifies non-compliance through inspections.*

(5) *Subsections (2) and (4) do not apply to tomatoes sold by the grower on the premises at which the tomatoes are grown or at a local farmers’ market, if the quantity of tomatoes sold does not exceed two 25-pound boxes per customer.*

(6) *The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section.*

Section 68. Subsection (10) of section 570.07, Florida Statutes, is amended to read:

570.07 Department of Agriculture and Consumer Services; functions, powers, and duties.—The department shall have and exercise the following functions, powers, and duties:

(10) *To act as adviser to producers and distributors, when requested, and to assist them in the economical and efficient distribution of their agricultural products, and to encourage cooperative effort among producers to gain economical and efficient production of agricultural products, and to adopt rules establishing comprehensive best management practices for agricultural production and food safety.*

Section 69. Paragraph (e) of subsection (2) of section 570.48, Florida Statutes, is amended to read:

570.48 Division of Fruit and Vegetables; powers and duties; records.—The duties of the Division of Fruit and Vegetables include, but are not limited to:

(2)

(e) *Performing tomato food safety inspections under s. 500.70 on tomato farms, in tomato greenhouses, and in tomato packinghouses and repackers.*

Section 70. Subsection (1) of section 604.15, Florida Statutes, is amended to read:

604.15 Dealers in agricultural products; definitions.—For the purpose of ss. 604.15-604.34, the following words and terms, when used, shall be construed to mean:

(1) *“Agricultural products” means the natural products of the farm, nursery, grove, orchard, vineyard, garden, and apiary (raw or manufactured); sod; ~~tropical foliage~~; horticulture; hay; livestock; milk and milk products; poultry and poultry products; the fruit of the saw palmetto*

(meaning the fruit of the *Serenoa repens*); limes (meaning the fruit *Citrus aurantifolia*, variety Persian, Tahiti, Bearss, or Florida Key limes); and any other nonexempt agricultural products produced in the state, except tobacco, sugarcane, *tropical foliage*, timber and timber byproducts, forest products as defined in s. 591.17, and citrus other than limes.

Section 71. Subsection (7) is added to section 624.4095, Florida Statutes, to read:

624.4095 Premiums written; restrictions.—

(7) For purposes of this section and s. 624.407, with regard to capital and surplus required, gross written premiums for federal multi-peril crop insurance that is ceded to the Federal Crop Insurance Corporation and authorized reinsurers shall not be included when calculating the insurer's gross writing ratio. The liabilities for ceded reinsurance premiums payable for federal multi-peril crop insurance ceded to the Federal Crop Insurance Corporation and authorized reinsurers shall be netted against the asset for amounts recoverable from reinsurers. Each insurer that writes other insurance products together with federal multi-peril crop insurance shall disclose in the notes to the annual and quarterly financial statement, or file a supplement to the financial statement that discloses, a breakout of the gross written premiums for federal multi-peril crop insurance.

Section 72. Section 823.145, Florida Statutes, is amended to read:

823.145 Disposal by open burning of certain materials ~~mulch plastic~~ used in agricultural operations.—Polyethylene ~~agricultural mulch~~ plastic; damaged, nonsalvageable, untreated wood pallets; and packing material that cannot be feasibly recycled, which are used in connection with agricultural operations related to the growing, harvesting, or maintenance of crops, may be disposed of by open burning provided that no public nuisance or any condition adversely affecting the environment or the public health is created thereby and that state or federal national ambient air quality standards are not violated.

Section 73. Subsection (4) of section 163.3162, Florida Statutes, is amended to read:

163.3162 Agricultural Lands and Practices Act.—

(4) DUPLICATION OF REGULATION.—Except as otherwise provided in this section and s. 487.051(2), and notwithstanding any other law, including any provision of chapter 125 or this chapter, a county may not exercise any of its powers to adopt or enforce any ordinance, resolution, regulation, rule, or policy to prohibit, restrict, regulate, or otherwise limit an activity of a bona fide farm operation on land classified as agricultural land pursuant to s. 193.461, if such activity is regulated through implemented best management practices, interim measures, or regulations adopted as rules under chapter 120 developed by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or a water management district ~~and adopted under chapter 120~~ as part of a statewide or regional program; or if such activity is expressly regulated by the United States Department of Agriculture, the United States Army Corps of Engineers, or the United States Environmental Protection Agency. A county may not charge an assessment or fee for stormwater management on a bona fide farm operation on land classified as agricultural land pursuant to s. 193.461, if the farm operation has a National Pollutant Discharge Elimination System permit, environmental resource permit, or works-of-the-district permit or implements best management practices adopted as rules under chapter 120 by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or a water management district as part of a statewide or regional program. However, this subsection does not prohibit a county from charging an assessment or fee for stormwater management on a bona fide farm operation that does not have a National Pollutant Discharge Elimination System permit, environmental resource permit, or works-of-the-district permit, or has not implemented water quality and quantity best-management practices as described in this subsection. For those counties that, before March 1, 2009, adopted a stormwater utility ordinance, resolution, or municipal services benefit unit or, before March 1, 2009, adopted a resolution stating its intent to use the uniform method of collection pursuant to s. 197.3632 for such stormwater ordinances, the county may continue to charge an assessment or fee for stormwater management on a bona fide farm operation on land classified as agricultural pursuant to s. 193.461 if the ordinance provides credits against the assessment or fee on a bona fide farm operation for the implementation of best-management practices adopted as

rules under chapter 120 by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or a water management district as part of a statewide or regional program, or stormwater quality and quantity measures required as part of a National Pollutant Discharge Elimination System permit, environmental resource permit, or works-of-the-district permit or implementation of best-management practices or alternative measures which the landowner demonstrates to the county to be of equivalent or greater stormwater benefit than those provided by implementation of best-management practices adopted as rules under chapter 120 by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or a water management district as part of a statewide or regional program, or stormwater quality and quantity measures required as part of a National Pollutant Discharge Elimination System permit, environmental resource permit, or works-of-the-district permit.

(a) When an activity of a farm operation takes place within a well-field protection area as defined in any wellfield protection ordinance adopted by a county, and the implemented best management practice, regulation, or interim measure does not specifically address wellfield protection, a county may regulate that activity pursuant to such ordinance. This subsection does not limit the powers and duties provided for in s. 373.4592 or limit the powers and duties of any county to address an emergency as provided for in chapter 252.

(b) This subsection may not be construed to permit an existing farm operation to change to a more excessive farm operation with regard to traffic, noise, odor, dust, or fumes where the existing farm operation is adjacent to an established homestead or business on March 15, 1982.

(c) This subsection does not limit the powers of a predominantly urbanized county with a population greater than 1,500,000 and more than 25 municipalities, not operating under a home rule charter adopted pursuant to ss. 10, 11, and 24, Art. VIII of the Constitution of 1885, as preserved by s. 6(e), Art. VIII of the Constitution of 1968, which has a delegated pollution control program under s. 403.182 and includes drainage basins that are part of the Everglades Stormwater Program, to enact ordinances, regulations, or other measures to comply with the provisions of s. 373.4592, or which are necessary to carrying out a county's duties pursuant to the terms and conditions of any environmental program delegated to the county by agreement with a state agency.

(d) For purposes of this subsection, a county ordinance that regulates the transportation or land application of domestic wastewater residuals or other forms of sewage sludge shall not be deemed to be duplication of regulation.

(e) This subsection does not limit a county's powers to:

1. Enforce wetlands, springs protection, or stormwater ordinances, regulations, or rules adopted before January 15, 2009.
2. Enforce wetlands, springs protection, or stormwater ordinances, regulations, or rules pertaining to the Wekiva River Protection Area.
3. Enforce ordinances, regulations, or rules as directed by law or implemented consistent with the requirements of a program operated under a delegation agreement from a state agency or water management district.

As used in this paragraph, the term "wetlands" has the same meaning as defined in s. 373.019.

(f) The provisions of this subsection that limit a county's authority to adopt or enforce any ordinance, regulation, rule, or policy, or to charge any assessment or fee for stormwater management, apply only to a bona fide farm operation as described in this subsection.

Section 74. Section 163.3163, Florida Statutes, is created to read:

163.3163 Applications for development permits; disclosure and acknowledgement of neighboring agricultural land.—

(1) This section may be cited as the "Agricultural Land Acknowledgement Act."

(2) The Legislature finds that nonagricultural land which neighbors agricultural land may adversely affect agricultural production and farm

operations on the agricultural land and may lead to the agricultural land's conversion to urban, suburban, or other nonagricultural uses. The Legislature intends to preserve and encourage agricultural land use and to reduce the occurrence of conflicts between agricultural and non-agricultural land uses. The purpose of this section is to ensure that generally accepted agricultural practices will not be subject to interference by residential use of land contiguous to agricultural land.

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

(a) "Agricultural land" means land classified as agricultural land pursuant to s. 193.461.

(b) "Contiguous" means touching, bordering, or adjoining along a boundary. For purposes of this section, properties that would be contiguous if not separated by a roadway, railroad, or other public easement are considered contiguous.

(c) "Farm operation" has the same meaning as defined in s. 823.14.

(4)(a) Before a political subdivision issues a local land use permit, building permit, or certificate of occupancy for nonagricultural land contiguous to agricultural land, the political subdivision shall require that, as a condition of issuing the permit or certificate, the applicant for the permit or certificate sign and submit to the political subdivision, in a format that is recordable in the official records of the county in which the political subdivision is located, a written acknowledgement of contiguous agricultural land in the following form:

ACKNOWLEDGEMENT OF CONTIGUOUS AGRICULTURAL LAND

I, ...(name of applicant)..., understand that my property located at ...(address of nonagricultural land)..., as further described in the attached legal description, is contiguous to agricultural land located at ...(address of agricultural land)..., as further described in the attached legal description.

I acknowledge and understand that the farm operation on the contiguous agricultural land identified herein will be conducted according to generally accepted agricultural practices as provided in the Florida Right to Farm Act, s. 823.14, Florida Statutes.

Signature: ...(signature of applicant)...

Date: ...(date)...

(b) An acknowledgement submitted to a political subdivision under paragraph (a) shall be recorded in the official records of the county in which the political subdivision is located.

Section 75. Section 604.50, Florida Statutes, is amended to read:

604.50 Nonresidential farm buildings and farm fences.—Notwithstanding any other law to the contrary, any nonresidential farm building or farm fence is exempt from the Florida Building Code and any county or municipal building code or fee, except for code provisions implementing local, state, or federal floodplain management regulations. For purposes of this section, the term "nonresidential farm building" means any building or support structure that is used for agricultural purposes, is located on a farm that is not used as a residential dwelling, and is located on land that is an integral part of a farm operation or is classified as agricultural land under s. 193.461. The term "farm" is as defined in s. 823.14.

Section 76. Chapter 598, Florida Statutes, consisting of sections 598.001, 598.002, 598.003, 598.004, 598.005, 598.006, 598.007, 598.008, 598.009, 598.011, and 598.012, is created to read:

CHAPTER 598

ARBORICULTURE

598.001 Short title.—This chapter may be cited as the "Florida Arborist Licensing Law."

598.002 Purpose.—It is declared to be the public policy of the state that, in order to safeguard life, health, and property; the mitigation of property insurance; the cleanup of damage from hurricanes, tropical storms, and other severe storm events; and the public well-being of its

citizens, any person practicing or offering to practice arboriculture in this state as a licensed arborist shall meet the requirements of this chapter.

598.003 Definitions.—As used in this chapter:

(1) "Arboriculture" or "arboriculture services" means:

(a) Any tree service, including, but not limited to, a written or oral report, a recommendation, an opinion, or a consultation done for compensation relating to the improvement of the condition of shade, ornamental, palm, or fruit trees by fertilizing, pruning, trimming, bracing, or other methods of improving, diagnosing, or protecting such trees from tree pests, excluding activities regulated under chapter 482 and the activities of a nursery as defined in s. 581.011(20) and (22), or diagnosing or protecting such trees from tree diseases and abiotic agents, or curing or repairing any damage to such trees, including, but not limited to, pruning, removal, preservation, repair, cabling and bracing, lightning protection, root pruning, root excavation, tree assessments, tree maintenance and care, trimming, cutting, sawing, or removal of trees that have been damaged to such an extent as to cause or threaten injury to life or property.

(b) A service performed in connection with post-storm cleanup of damage from hurricanes, tropical storms, and other storm events that involves substantial work hours. A post-storm cleanup service includes, but is not limited to, storm damage resulting in downed, damaged, or uprooted trees, or parts of trees, of substantial size and weight in excess of 50 pounds that threaten the structural integrity of residential or commercial structures; involve any type of power lines; impede traffic on streets, driveways, and other vehicular access roads; require extensive use of compression or chain saws; and involve any related skilled service.

(c) This chapter does not:

1. Prohibit any person from practicing arboriculture or providing arboriculture services as defined in this chapter if such person does not hold himself or herself out as a state-licensed arborist unless he or she is licensed in compliance with this chapter.

2. Require any person to be a member of the International Society of Arboriculture in order to be licensed under this chapter.

(d) A landscape architect licensed under part II of chapter 481 is authorized to practice arboriculture; however, as provided in s. 598.006(4), only a person licensed under this chapter may hold herself or himself out as a state-licensed arborist.

(e) To prevent injury to life or property after a disaster, state emergency response team members designated under the state comprehensive emergency management plan pursuant to chapter 252 are authorized to provide and conduct charitable arboriculture services and to train volunteers to provide such services; however, as provided in s. 598.006(4), only a person licensed under this chapter may hold herself or himself out as a state-licensed arborist.

(2) "Arborist of record" means a Florida-licensed arborist in good standing who is employed by or contracting with a firm, corporation, partnership, employer, or person; who supervises employees providing arboriculture services; and who issues authorization cards to persons performing services under her or his supervision.

(3) "Department" means the Department of Agriculture and Consumer Services.

(4) "Landscape tree maintenance" means maintenance performed when standing on the ground or when performed on trees less than 4 inches in diameter at breast height as referenced in the Guide to Plant Appraisal.

(5) "Licensed arborist" means a person who has fulfilled the International Society of Arboriculture requirements for arborist certification or for certification as a Board Certified Master Arborist, whose certification is current, and who meets the requirements of s. 598.006.

(6) "Person" means a person as defined in s. 1.01(3).

(7) "Practice of arboriculture" means the performance of, or offer to perform, an arboriculture service, including, but not limited to, a written or oral report, consultation, investigation, evaluation, or planning, relating to arboriculture, excluding landscape tree maintenance as defined

in this section and as otherwise excluded by this chapter. A person shall be construed to be engaged in the practice of arboriculture if she or he:

(a) By verbal claim, sign, advertisement, letterhead, card, or any other means represents herself or himself to be an arborist;

(b) Through the use of some title implies that she or he is an arborist licensed under this chapter; or

(c) Holds herself or himself out as able to perform or does perform any arboriculture services or work recognized as an arborist.

598.004 Powers and duties of the Department of Agriculture and Consumer Services; rulemaking.—The department shall have all powers and duties necessary to implement the provisions of this chapter, including, but not limited to, the authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the following:

(1) Organizational and operational guidance regarding the practice of arboriculture, arborists of record, and the requirements of the law regarding licensed arborists.

(2) Licensure process, including, but not limited to, requirements and procedures for licensure; insurance requirements and standards of the International Society of Arboriculture for licensed arborists; authorization cards; annual license renewal; language relating to licensure that may be used by licensed arborists for public information; duplicate licenses; lost, destroyed, or mutilated licenses; and inactive and reactivated licenses.

(3) Setting of fees for licensure and annual renewal and other license fees as provided in s. 598.005.

(4) Provision of a roster of licensed arborists.

598.005 Fees.—

(1) The department shall by rule set fees as provided in this section. The amount of the fees shall not exceed the cost of the implementing, reviewing, or administrative processing of the particular activity or process. Licensure fees are nonrefundable and shall not exceed \$300 annually.

(2) Fees collected under this chapter shall be deposited into the Incidental Trust Fund of the Division of Forestry of the department and shall be used to defray expenses in the administration of this chapter.

598.006 Licensure procedures and requirements; issuance of licenses.—

(1) Each applicant for licensure shall:

(a) Submit to the department an application for licensure that has been reviewed by the Florida Chapter, Board of Directors, International Society of Arboriculture, Inc., for completeness and compliance with this section, together with the nonrefundable fee set by the department under s. 598.005;

(b) Furnish proof that she or he is at least 18 years of age;

(c) Disclose any information related to the provisions of subsection (2);

(d) Submit evidence of current certification by the International Society of Arboriculture as a Board Certified Arborist or as a Board Certified Master Arborist;

(e) Provide proof of liability, required workers' compensation, and errors and omissions insurance; however, an applicant employed by a statutorily recognized governmental entity shall not be required to carry errors and omissions insurance or liability insurance if the entity is self-insured. Within 30 days after the termination of the person's employment with the governmental entity, the person shall fully comply with the requirements of this subsection; and

(f) Submit a signed statement that the applicant will comply with arboriculture industry standards, including, but not limited to, the national standards for tree operations and safety approved by the American National Standards Institute, the standards of the International Society of Arboriculture, and best management practices adopted by rule by the department.

(2) The department may deny or refuse to renew the license of any applicant or state-licensed arborist upon a determination that the applicant or state-licensed arborist:

(a) Has failed to meet the requirements for licensure as provided in this chapter;

(b) Has been convicted of a crime involving fraud, dishonest dealing, or any other act of moral turpitude;

(c) Has not satisfied a civil fine or penalty arising out of any administrative or enforcement action brought by any governmental agency or private person based upon conduct involving fraud, dishonest dealing, or any violation of this act;

(d) Has pending against her or him any criminal, administrative, or enforcement proceedings in any jurisdiction, based upon conduct involving fraud, dishonest dealing, or any other act of moral turpitude; or

(e) Has had a judgment entered against her or him in any action brought by the department or the Department of Legal Affairs pursuant to ss. 501.201-501.213 or this chapter.

(3) Any person licensed under this section who fails to maintain compliance with subsection (1) shall have her or his license suspended or revoked by the department.

(4) A person may not hold herself or himself out as a licensed Florida arborist unless the person has been issued a license pursuant to this chapter.

(5) All final arboriculture papers or documents involving the practice of the profession of arboriculture under the supervision of a Florida-licensed arborist of record that have been prepared or approved for use by a firm, corporation, partnership, or person, for delivery to any person for public record within the state, shall be dated and bear the signature and seal of the Florida-licensed arborist of record who prepared, supervised, or approved the documents and who was responsible for the supervision of persons performing arboricultural services.

598.007 Renewal of licenses; notice of address of primary place of business.—

(1) The department shall renew a license upon receipt of satisfactory evidence that the applicant's International Society of Arboriculture certification is current and that the applicant is otherwise in compliance with this chapter and department rules.

(2) The licensed arborist must have on file with the department the address of her or his primary place of practice. Within 30 days after changing the address of her or his primary place of practice, the licensed arborist must notify the department of the address of the new primary place of practice.

598.008 Inactive licenses; reactivated licenses; suspended or revoked licenses.—A licensed arborist whose license has become inactive, suspended, or revoked shall have her or his license reactivated only upon written request to the department and approval by the department to reactivate the license.

598.009 Lost, destroyed, stolen, or mutilated licenses.—A duplicate license for a licensed arborist may be issued to replace a license that has been lost, destroyed, stolen, or mutilated, subject to rules of the department. Licenses issued under this section shall be marked with the word "DUPLICATE."

598.011 Roster of licensed arborists.—The department shall maintain a roster showing the names and places of business of all licensed arborists in the state, based on requests for licensure.

598.012 The department may enforce the provisions of this chapter by the use of notices to desist, appropriate judicial proceedings, or administrative proceedings under chapter 120.

Section 77. Subsection (1) of section 604.15, Florida Statutes, is amended to read:

604.15 Dealers in agricultural products; definitions.—For the purpose of ss. 604.15-604.34, the following words and terms, when used, shall be construed to mean:

(1) "Agricultural products" means the natural products of the farm, nursery, grove, orchard, vineyard, garden, and apiary (raw or manufactured); sod; ~~tropical foliage~~; horticulture; hay; livestock; milk and milk products; poultry and poultry products; the fruit of the saw palmetto (meaning the fruit of the *Serenoa repens*); limes (meaning the fruit *Citrus aurantifolia*, variety Persian, Tahiti, Bearss, or Florida Key limes); and any other nonexempt agricultural products produced in the state, except tobacco, sugarcane, *tropical foliage*, timber and timber byproducts, forest products as defined in s. 591.17, and citrus other than limes.

Section 78. *There is hereby appropriated to the Department of Agriculture and Consumer Services one position and associated rate and expenses of \$72,280 from the Incidental Trust Fund in order to carry out the provisions of section 1 of this act.*

And the title is amended as follows:

Delete everything before the enacting clause and insert: An act relating to arboriculture; amending s. 482.021, F.S.; revising terminology to modify requirements for supervision provided by certified operators in charge of pest control businesses; amending s. 482.051, F.S.; requiring pest control licensees to perform inspections before issuing certain contracts; amending s. 482.071, F.S.; increasing the financial responsibility requirements for pest control licensees; creating s. 482.072, F.S.; requiring pest control service center licensees; providing license application requirements and procedures; providing for expiration and renewal of licenses; establishing license fees; exempting pest control service center employees from identification card requirements except under certain circumstances; requiring recordkeeping and monitoring of service center operations; authorizing disciplinary action against pest control licensees for violations committed by service center employees; amending s. 482.152, F.S.; revising duties and supervisory requirements of certified operators in charge of pest control businesses; creating s. 482.157, F.S.; providing for pest control certification of commercial wildlife management personnel; providing application procedures and requirements; requiring a certification examination; establishing certification fees; amending s. 482.226, F.S.; increasing the financial responsibility requirements for certain pest control licensees; amending s. 493.6102, F.S.; specifying that provisions regulating security officers do not apply to certain officers performing off-duty activities; amending s. 493.6105, F.S.; revising application requirements and procedures for private investigator, security officer, or recovery agent licenses; specifying application requirements for firearms instructor license; amending s. 493.6106, F.S.; revising citizenship requirements and documentation for private investigator, security officer, and recovery agent licenses; prohibiting the licensure of applicants for a statewide firearm license or firearms instructor license who are prohibited from purchasing or possessing firearms; requiring notice of changes to branch office locations for private investigative, security, or recovery agencies; amending s. 493.6107, F.S.; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6108, F.S.; revising requirements for criminal history checks of license applicants whose fingerprints are not legible; requiring investigation of the mental and emotional fitness of applicants for firearms instructor licenses; amending s. 493.6111, F.S.; requiring a security officer school or recovery agent school to obtain the department's approval for use of a fictitious name; amending s. 493.6113, F.S.; revising application renewal procedures and requirements; amending s. 493.6115, F.S.; conforming cross-references; amending s. 493.6118, F.S.; authorizing disciplinary action against statewide firearm licensees and firearms instructor licensees who are prohibited from purchasing or possessing firearms; amending s. 493.6121, F.S.; deleting provisions for the department's access to certain criminal history records provided to licensed gun dealers, manufacturers, and exporters; amending s. 493.6202, F.S.; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6203, F.S.; prohibiting bodyguard services from being credited toward certain license requirements; revising training requirements for private investigator intern license applicants; amending s. 493.6302, F.S.; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6303, F.S.; revising the training requirements for security officer license applicants; amending s. 493.6304, F.S.; revising application requirements and procedures for security officer school licenses; amending s. 493.6401, F.S.; revising terminology for recovery agent schools and training facilities; amending s. 493.6402, F.S.; revising terminology for recovery agent schools and training facilities; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6406, F.S.; requiring recovery agent school and instructor licenses; providing license application requirements and pro-

cedures; amending ss. 501.605 and 501.607, F.S.; revising application requirements for commercial telephone seller and salesperson licenses; amending s. 501.913, F.S.; specifying the sample size required for anti-freeze registration application; amending s. 525.01, F.S.; revising requirements for petroleum fuel affidavits; amending s. 525.09, F.S.; imposing an inspection fee on certain alternative fuels containing alcohol; amending s. 526.50, F.S.; defining terms applicable to regulation of the sale of brake fluid; amending s. 526.51, F.S.; revising brake fluid permit application requirements; deleting permit renewal requirements; providing for reregistration of brake fluid and establishing fees; amending s. 526.52, F.S.; revising requirements for printed statements on brake fluid containers; amending s. 526.53, F.S.; revising requirements and procedures for brake fluid stop-sale orders; authorizing businesses to dispose of unregistered brake fluid under certain circumstances; amending s. 527.02, F.S.; increasing fees for liquefied petroleum gas licenses; revising fees for pipeline system operators; amending s. 527.0201, F.S.; revising requirements for liquefied petroleum gas qualifying examinations; increasing examination fees; increasing continuing education requirements for certain liquefied petroleum gas qualifiers; amending s. 527.021, F.S.; requiring the annual inspection of liquefied petroleum gas transport vehicles; increasing the inspection fee; amending s. 527.12, F.S.; providing for the issuance of certain stop orders; amending ss. 559.805 and 559.928, F.S.; deleting requirements that lists of independent agents of sellers of business opportunities and the agents' registration affidavits include the agents' social security numbers; providing an appropriation; creating ch. 598, F.S.; providing a short title; providing a purpose statement; providing definitions; providing exceptions; providing powers and duties of the Department of Agriculture and Consumer Services; providing rulemaking authority; establishing a maximum annual fee for licensure; providing for deposit and use of fee proceeds; establishing licensure procedures and requirements to practice arboriculture and provide arboriculture services; providing for issuance of a license; providing grounds for denial of a license or refusal to renew a license; providing for license suspension or revocation; providing for license renewal; providing for reactivation of a license under certain conditions; providing for issuance of a duplicate license under certain circumstances; requiring a roster of licensed arborists; authorizing the department to enforce certain provisions of state law by specified means; amending s. 570.0725, F.S.; revising provisions for public information about food banks and similar food recovery programs; authorizing the department to adopt rules; amending ss. 570.53 and 570.54, F.S.; conforming cross-references; amending s. 570.55, F.S.; revising requirements for identifying sellers or handlers of tropical or subtropical fruit or vegetables; amending s. 570.902, F.S.; conforming terminology to the repeal by the act of provisions establishing the Florida Agricultural Museum; amending s. 570.903, F.S.; revising provisions for direct-support organizations for certain agricultural programs to conform to the repeal by the act of provisions establishing the Florida Agricultural Museum; deleting provisions for a direct-support organization for the Florida State Collection of Arthropods; amending s. 573.118, F.S.; requiring the department to maintain records of marketing orders; requiring an audit at the request of an advisory council; requiring that the advisory council receive a copy of the audit within a specified time; amending s. 581.011, F.S.; deleting terminology relating to the Florida State Collection of Arthropods; revising the term "nursery" for purposes of plant industry regulations; amending s. 581.031, F.S.; increasing citrus source tree registration fees; amending s. 581.131, F.S.; increasing registration fees for a nurseryman, stock dealer, agent, or plant broker certificate; amending s. 581.211, F.S.; increasing the maximum fine for violations of plant industry regulations; amending s. 583.13, F.S.; deleting a prohibition on the sale of poultry without displaying the poultry grade; amending s. 590.125, F.S.; revising terminology for open burning authorizations; specifying purposes of certified prescribed burning; requiring the authorization of the Division of Forestry for certified pile burning; providing pile burning requirements; limiting the liability of property owners or agents engaged in pile burning; providing for the certification of pile burners; providing penalties for violations by certified pile burners; requiring rules; revising notice requirements for wildfire hazard reduction treatments; providing for approval of local government open burning authorization programs; providing program requirements; authorizing the division to close local government programs under certain circumstances; providing penalties for violations of local government open burning requirements; amending s. 590.14, F.S.; authorizing fines for violations of any division rule; providing penalties for certain violations; providing legislative intent; amending s. 599.004, F.S.; revising standards that a winery must meet to qualify as a certified Florida Farm Winery; amending s. 604.15, F.S.; defining the term "responsible position" for purposes of provisions regulating dealers in

agricultural products; amending s. 604.19, F.S.; revising requirements for late fees on agricultural products dealer applications; amending s. 604.20, F.S.; revising the minimum amount of the surety bond or certificate of deposit required for agricultural products dealer licenses; providing conditions for the payment of bond or certificate of deposit proceeds; requiring additional documentation for issuance of a conditional license; amending s. 604.25, F.S.; revising conditions under which the department may deny, refuse to renew, suspend, or revoke agricultural products dealer licenses; deleting a provision prohibiting certain persons from holding a responsible position with a licensee; amending s. 616.242, F.S.; amending s. 686.201, F.S.; exempting contracts involving a seller of travel from the requirements of that section; authorizing the issuance of stop-operation orders for amusement rides under certain circumstances; amending s. 790.06, F.S.; authorizing a concealed firearm license applicant to submit fingerprints administered by the Division of Licensing; repealing ss. 570.071 and 570.901, F.S., relating to the Florida Agricultural Exposition and the Florida Agricultural Museum; amending s. 205.064, F.S.; authorizing a person selling certain agricultural products who is not a natural person to qualify for an exemption from obtaining a local business tax receipt; amending s. 322.01, F.S.; revising the term “farm tractor” for purposes of drivers’ licenses; amending s. 500.03, F.S.; revising the term “food establishment” to include tomato repackers for purposes of the Florida Food Safety Act; creating s. 500.70, F.S.; defining the terms “field packing,” “packing” or “repacking,” and “producing”; requiring the Department of Agriculture and Consumer Services to adopt minimum food safety standards for the producing, harvesting, packing, and repacking of tomatoes; authorizing the department to inspect tomato farms, greenhouses, and packinghouses or repackers for compliance with the standards and certain provisions of the Florida Food Safety Act; providing penalties; authorizing the department to establish good agricultural practices and best management practices for the state’s tomato industry; providing a presumption that tomatoes introduced into commerce are safe for human consumption under certain circumstances; providing exemptions; authorizing the department to adopt rules; amending s. 570.07, F.S.; authorizing the department to adopt best management practices for agricultural production and food safety; amending s. 570.48, F.S.; revising duties of the Division of Fruit and Vegetables for tomato food safety inspections; amending s. 604.15, F.S.; revising the term “agricultural products” to make tropical foliage exempt from regulation under provisions relating to dealers in agricultural products; amending s. 624.4095, F.S.; requiring that gross written premiums for certain crop insurance not be included when calculating the insurer’s gross ratio; requiring that liabilities for ceded reinsurance premiums be netted against the asset for amounts recoverable from reinsurers; requiring that insurers who write other insurance products to disclose a breakout of the gross written premiums for crop insurance; amending s. 823.145, F.S.; expanding the materials used in agricultural operations that may be disposed of by open burning; providing certain limitations on open burning; amending s. 163.3162, F.S.; prohibiting a county from enforcing certain limits on the activity of a bona fide farm operation on agricultural land under certain circumstances; prohibiting a county from charging agricultural lands for stormwater management assessments and fees under certain circumstances; allowing an assessment to be collected if credits against the assessment are provided for implementation of best-management practices; providing exemptions from certain restrictions on a county’s powers over the activity on agricultural land; providing a definition; providing for application; creating s. 163.3163, F.S.; creating the “Agricultural Land Acknowledgement Act”; providing legislative findings and intent; providing definitions; requiring an applicant for certain development permits to sign and submit an acknowledgement of contiguous agricultural land as a condition of the political subdivision issuing the permits; specifying information to be included in the acknowledgement; requiring that the acknowledgement be recorded in the official county records; amending s. 604.50, F.S.; exempting farm fences from the Florida Building Code; exempting nonresidential farm buildings and farm fences from county and municipal codes and fees; specifying that the exemptions do not apply to code provisions implementing certain floodplain regulations; amending s. 604.15, F.S.; revising a definition to make tropical foliage exempt from regulation under provisions relating to dealers in agricultural products; providing an appropriation; providing an effective date.

On motion by Senator Haridopolos, further consideration of **CS for CS for HB 1241** as amended was deferred.

RECESS

On motion by Senator Villalobos, the Senate recessed at 12:05 p.m. to reconvene at 1:15 p.m. or upon call of the President.

AFTERNOON SESSION

The Senate was called to order by President Atwater at 1:40 p.m. A quorum present—39:

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

BILLS ON THIRD READING

Consideration of **HB 387** was deferred.

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.

—as amended April 30 was read the third time by title.

On motion by Senator Altman, **CS for CS for CS for HB 439** as amended was passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—2

Garcia	Villalobos
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Vote after roll call:

Yea—Alexander, Baker

CS for CS for SB 2276—A bill to be entitled An act relating to a DNA database; providing a short title; amending s. 943.325, F.S.; providing legislative intent; providing definitions; providing a phase-in schedule whereby persons arrested for specified felony offenses will be required to provide DNA samples to the Department of Law Enforcement; requiring reports; providing for a statewide automated personal identification system capable of classifying, matching, and storing analyses of DNA and other data; providing for access; specifying duties of the department; providing that the database may contain DNA for certain types of samples; specifying offenders from whom DNA is to be collected; authorizing the use of reasonable force to collect samples; providing an exemption from liability for use of such force; providing for collection of samples from specified offenders from out of state; requiring the department to provide sample containers; providing requirements for information to be submitted with each sample; providing for court orders for samples; authorizing prosecutors to seek court orders in certain circumstances; requiring that a convicted person pay the actual costs of collecting the approved DNA samples unless declared indigent; providing that certain failures to strictly comply with statute or protocol are not grounds for challenging the validity of the collection or the use of a DNA sample in court, and evidence based upon or derived from the collected DNA sample may not be excluded by a court; providing that the detention, arrest, or conviction of a person based upon a database match or database information may not be invalidated if it is later determined that the sample was obtained or placed in the database by mistake; providing for retention of samples; providing for analysis of samples; requiring that DNA analysis and the comparison of analytic results be released only to criminal justice agencies; continuing a public-records exemption for such information; prohibiting the willful refusal to provide a DNA sample; providing penalties; prohibiting specified offenses relating to disclosing DNA records, using records without authorization, or tampering with DNA samples or analysis results; providing penalties; providing circumstances that require removal of the DNA analysis and DNA sample from the statewide DNA database of a person whose DNA analysis and sample was included in the database as a result of a conviction for a qualifying offense; providing circumstances that require removal of the DNA analysis and DNA sample from the statewide DNA database of a person whose DNA analysis and sample was included in the database as a result of an arrest; authorizing the Department of Law Enforcement to adopt rules related to the implementation of the removal of DNA analyses and samples from the statewide DNA database; amending ss. 760.40 and 948.014, F.S.; conforming provisions to changes made by the act; providing an effective date.

—as amended April 30 was read the third time by title.

On motion by Senator Oelrich, **CS for CS for SB 2276** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for SB 2198—A bill to be entitled An act relating to tobacco settlement agreements; expressing legislative intent to amend s. 569.23, F.S., relating to appeal bond requirements for certain cigarette manufacturers; expressing legislative intent relating to security necessary to stay execution of judgments in actions by certain former class action members, the form of the security, the level of appeals to which the security is applicable, the amount of the security based on the number of appeals, changes in the amount of security based on changes in the number of appeals, claims against the security, and maintenance of the security by the clerk of the Supreme Court; expressing legislative intent to authorize a court to increase the security if assets are dissipated; expressing the legislative intent to provide for the future expiration of s. 569.23, F.S.; providing an effective date.

—as amended April 30 was read the third time by title.

On motion by Senator Haridopolos, **CS for SB 2198** as amended was passed and certified to the House. The vote on passage was:

Yeas—27

Alexander	Diaz de la Portilla	Lawson
Altman	Dockery	Lynn
Aronberg	Fasano	Peaden
Baker	Gaetz	Pruitt
Bennett	Garcia	Richter
Bullard	Gardiner	Siplin
Constantine	Haridopolos	Smith
Dean	Jones	Storms
Detert	King	Wise

Nays—10

Mr. President	Joyner	Sobel
Crist	Justice	Wilson
Deutch	Rich	
Gelber	Ring	

Vote after roll call:

Yea—Oelrich

Yea to Nay—Bullard

MOTION

On motion by Senator Haridopolos, the House was requested to pass **CS for SB 2198** as amended by the Senate or agree that it be included in the conference committee on appropriations as previously appointed.

CS for SJR 532—A joint resolution proposing amendments to Sections 4 and 6 of Article VII and the creation of two new sections in Article XII of the State Constitution to generally limit the maximum annual increase in the assessed value of certain nonhomestead properties and to provide an additional homestead exemption to persons who have not owned a principal residence within the preceding 8 years.

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

That the following amendments to Sections 4 and 6 of Article VII and the creation of two new sections in Article XII of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE VII

FINANCE AND TAXATION

SECTION 4. Taxation; assessments.—By general law regulations shall be prescribed which shall secure a just valuation of all property for ad valorem taxation, provided:

(a) Agricultural land, land producing high water recharge to Florida's aquifers, or land used exclusively for noncommercial recreational purposes may be classified by general law and assessed solely on the basis of character or use.

(b) As provided by general law and subject to conditions, limitations, and reasonable definitions specified therein, land used for conservation purposes shall be classified by general law and assessed solely on the basis of character or use.

(c) Pursuant to general law tangible personal property held for sale as stock in trade and livestock may be valued for taxation at a specified percentage of its value, may be classified for tax purposes, or may be exempted from taxation.

(d) All persons entitled to a homestead exemption under Section 6 of this Article shall have their homestead assessed at just value as of January 1 of the year following the effective date of this amendment. This assessment shall change only as provided in this subsection.

(1) Assessments subject to this subsection shall be changed annually on January 1st of each year; but those changes in assessments shall not exceed the lower of the following:

a. Three percent (~~3%~~) of the assessment for the prior year.

b. The percent change in the Consumer Price Index for all urban consumers, U.S. City Average, all items 1967=100, or successor reports for the preceding calendar year as initially reported by the United States Department of Labor, Bureau of Labor Statistics.

(2) No assessment shall exceed just value.

(3) After any change of ownership, as provided by general law, homestead property shall be assessed at just value as of January 1 of the following year, unless the provisions of paragraph (8) apply. Thereafter, the homestead shall be assessed as provided in this subsection.

(4) New homestead property shall be assessed at just value as of January 1st of the year following the establishment of the homestead, unless the provisions of paragraph (8) apply. That assessment shall only change as provided in this subsection.

(5) Changes, additions, reductions, or improvements to homestead property shall be assessed as provided for by general law; provided, however, after the adjustment for any change, addition, reduction, or improvement, the property shall be assessed as provided in this subsection.

(6) In the event of a termination of homestead status, the property shall be assessed as provided by general law.

(7) The provisions of this amendment are severable. If any of the provisions of this amendment shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of this amendment.

(8)a. A person who establishes a new homestead as of January 1, 2009, or January 1 of any subsequent year and who has received a homestead exemption pursuant to Section 6 of this Article as of January 1 of either of the two years immediately preceding the establishment of the new homestead is entitled to have the new homestead assessed at less than just value. If this revision is approved in January of 2008, a person who establishes a new homestead as of January 1, 2008, is entitled to have the new homestead assessed at less than just value only if that person received a homestead exemption on January 1, 2007. The

assessed value of the newly established homestead shall be determined as follows:

1. If the just value of the new homestead is greater than or equal to the just value of the prior homestead as of January 1 of the year in which the prior homestead was abandoned, the assessed value of the new homestead shall be the just value of the new homestead minus an amount equal to the lesser of \$500,000 or the difference between the just value and the assessed value of the prior homestead as of January 1 of the year in which the prior homestead was abandoned. Thereafter, the homestead shall be assessed as provided in this subsection.

2. If the just value of the new homestead is less than the just value of the prior homestead as of January 1 of the year in which the prior homestead was abandoned, the assessed value of the new homestead shall be equal to the just value of the new homestead divided by the just value of the prior homestead and multiplied by the assessed value of the prior homestead. However, if the difference between the just value of the new homestead and the assessed value of the new homestead calculated pursuant to this sub-subparagraph is greater than \$500,000, the assessed value of the new homestead shall be increased so that the difference between the just value and the assessed value equals \$500,000. Thereafter, the homestead shall be assessed as provided in this subsection.

b. By general law and subject to conditions specified therein, the Legislature shall provide for application of this paragraph to property owned by more than one person.

(e) The legislature may, by general law, for assessment purposes and subject to the provisions of this subsection, allow counties and municipalities to authorize by ordinance that historic property may be assessed solely on the basis of character or use. Such character or use assessment shall apply only to the jurisdiction adopting the ordinance. The requirements for eligible properties must be specified by general law.

(f) A county may, in the manner prescribed by general law, provide for a reduction in the assessed value of homestead property to the extent of any increase in the assessed value of that property which results from the construction or reconstruction of the property for the purpose of providing living quarters for one or more natural or adoptive grandparents or parents of the owner of the property or of the owner's spouse if at least one of the grandparents or parents for whom the living quarters are provided is 62 years of age or older. Such a reduction may not exceed the lesser of the following:

(1) The increase in assessed value resulting from construction or reconstruction of the property.

(2) Twenty percent of the total assessed value of the property as improved.

(g) For all levies other than school district levies, assessments of residential real property, as defined by general law, which contains nine units or fewer and which is not subject to the assessment limitations set forth in subsections (a) through (d) shall change only as provided in this subsection.

(1) Assessments subject to this subsection shall be changed annually on the date of assessment provided by law; but those changes in assessments shall not exceed *five* ~~ten~~ percent (~~10%~~) of the assessment for the prior year.

(2) No assessment shall exceed just value.

(3) After a change of ownership or control, as defined by general law, including any change of ownership of a legal entity that owns the property, such property shall be assessed at just value as of the next assessment date. Thereafter, such property shall be assessed as provided in this subsection.

(4) Changes, additions, reductions, or improvements to such property shall be assessed as provided for by general law; however, after the adjustment for any change, addition, reduction, or improvement, the property shall be assessed as provided in this subsection.

(h) For all levies other than school district levies, assessments of real property that is not subject to the assessment limitations set forth in

subsections (a) through (d) and (g) shall change only as provided in this subsection.

(1) Assessments subject to this subsection shall be changed annually on the date of assessment provided by law; but those changes in assessments shall not exceed ~~five~~ ~~ten~~ percent (10%) of the assessment for the prior year.

(2) No assessment shall exceed just value.

(3) The legislature must provide that such property shall be assessed at just value as of the next assessment date after a qualifying improvement, as defined by general law, is made to such property. Thereafter, such property shall be assessed as provided in this subsection.

(4) The legislature may provide that such property shall be assessed at just value as of the next assessment date after a change of ownership or control, as defined by general law, including any change of ownership of the legal entity that owns the property. Thereafter, such property shall be assessed as provided in this subsection.

(5) Changes, additions, reductions, or improvements to such property shall be assessed as provided for by general law; however, after the adjustment for any change, addition, reduction, or improvement, the property shall be assessed as provided in this subsection.

(i) The legislature, by general law and subject to conditions specified therein, may prohibit the consideration of the following in the determination of the assessed value of real property used for residential purposes:

(1) Any change or improvement made for the purpose of improving the property's resistance to wind damage.

(2) The installation of a renewable energy source device.

(j)(1) The assessment of the following working waterfront properties shall be based upon the current use of the property:

a. Land used predominantly for commercial fishing purposes.

b. Land that is accessible to the public and used for vessel launches into waters that are navigable.

c. Marinas and drystacks that are open to the public.

d. Water-dependent marine manufacturing facilities, commercial fishing facilities, and marine vessel construction and repair facilities and their support activities.

(2) The assessment benefit provided by this subsection is subject to conditions and limitations and reasonable definitions as specified by the legislature by general law.

SECTION 6. Homestead exemptions.—

(a) Every person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, or another legally or naturally dependent upon the owner, shall be exempt from taxation thereon, except assessments for special benefits, up to the assessed valuation of twenty-five thousand dollars and, for all levies other than school district levies, on the assessed valuation greater than fifty thousand dollars and up to seventy-five thousand dollars, upon establishment of right thereto in the manner prescribed by law. The real estate may be held by legal or equitable title, by the entirety, jointly, in common, as a condominium, or indirectly by stock ownership or membership representing the owner's or member's proprietary interest in a corporation owning a fee or a leasehold initially in excess of ninety-eight years. The exemption shall not apply with respect to any assessment roll until such roll is first determined to be in compliance with the provisions of section 4 by a state agency designated by general law. This exemption is repealed on the effective date of any amendment to this Article which provides for the assessment of homestead property at less than just value.

(b) Not more than one exemption shall be allowed any individual or family unit or with respect to any residential unit. No exemption shall exceed the value of the real estate assessable to the owner or, in case of ownership through stock or membership in a corporation, the value of

the proportion which the interest in the corporation bears to the assessed value of the property.

(c) By general law and subject to conditions specified therein, the Legislature may provide to renters, who are permanent residents, ad valorem tax relief on all ad valorem tax levies. Such ad valorem tax relief shall be in the form and amount established by general law.

(d) The legislature may, by general law, allow counties or municipalities, for the purpose of their respective tax levies and subject to the provisions of general law, to grant an additional homestead tax exemption not exceeding fifty thousand dollars to any person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner and who has attained age sixty-five and whose household income, as defined by general law, does not exceed twenty thousand dollars. The general law must allow counties and municipalities to grant this additional exemption, within the limits prescribed in this subsection, by ordinance adopted in the manner prescribed by general law, and must provide for the periodic adjustment of the income limitation prescribed in this subsection for changes in the cost of living.

(e) Each veteran who is age 65 or older who is partially or totally permanently disabled shall receive a discount from the amount of the ad valorem tax otherwise owed on homestead property the veteran owns and resides in if the disability was combat related, the veteran was a resident of this state at the time of entering the military service of the United States, and the veteran was honorably discharged upon separation from military service. The discount shall be in a percentage equal to the percentage of the veteran's permanent, service-connected disability as determined by the United States Department of Veterans Affairs. To qualify for the discount granted by this subsection, an applicant must submit to the county property appraiser, by March 1, proof of residency at the time of entering military service, an official letter from the United States Department of Veterans Affairs stating the percentage of the veteran's service-connected disability and such evidence that reasonably identifies the disability as combat related, and a copy of the veteran's honorable discharge. If the property appraiser denies the request for a discount, the appraiser must notify the applicant in writing of the reasons for the denial, and the veteran may reapply. The Legislature may, by general law, waive the annual application requirement in subsequent years. This subsection shall take effect December 7, 2006, is self-executing, and does not require implementing legislation.

(f)(1) By general law, and subject to conditions specified therein, the legislature shall provide an additional homestead exemption to the person or persons who:

a. Establish the right to receive the homestead exemption in subsection (a) within one year after purchasing the homestead property; and

b. Have not owned a principal residence during the eight-year period before the purchase. For married persons, neither the purchaser nor his or her spouse may have owned a principal residence during the preceding eight years.

(2) The additional homestead exemption shall equal 25 percent of the just value of the property on January 1 of the year in which the homestead exemption in subsection (a) is received, but not more than \$100,000.

a. The amount of the additional exemption shall be reduced in each subsequent year by an amount equal to twenty percent of the amount of the initial additional exemption or by an amount equal to the difference between the just value of the property and the assessed value determined under subsection (d) of section 4 of this Article, whichever is greater.

b. The additional homestead exemption shall not apply after the fifth year after the initial additional exemption is granted.

(3) Only one additional exemption under this subsection may apply to a single homestead property.

ARTICLE XII

SCHEDULE

Property tax limit for nonhomestead property.—The amendment to Section 4 of Article VII reducing the limit on the maximum annual in-

crease in the assessed value of nonhomestead property to five percent from ten percent and this section shall take effect January 1, 2011.

Additional homestead exemption for first-time homestead property owners.—The amendment to subsection (f) of Section 6 of Article VII providing for an additional homestead exemption for persons who have not owned a principal residence within an eight-year period and this section shall take effect January 1, 2011, and shall be available for properties purchased on or after January 1, 2010.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENTS

ARTICLE VII, SECTIONS 4 and 6

ARTICLE XII

PROPERTY TAX LIMIT FOR NONHOMESTEAD PROPERTY; ADDITIONAL HOMESTEAD EXEMPTION FOR NEW HOMESTEAD OWNERS.—The State Constitution generally limits the maximum annual increase in the assessed value of nonhomestead property to 10 percent annually. This proposed amendment reduces the maximum annual increase in the assessed values of those properties to 5 percent annually.

This amendment also requires the Legislature to provide an additional homestead exemption for persons who have not owned a principal residence during the preceding 8 years. Under the exemption, 25 percent of the just value of a first-time homestead, up to \$100,000, will be exempt from property taxes. The amount of the additional exemption will decrease in each succeeding year for 5 years by the greater of 20 percent of the initial additional exemption or the difference between the just value and the assessed value of the property. The additional exemption will not be available in the 6th and subsequent years.

—as amended April 30 was read the third time in full.

On motion by Senator Lynn, CS for SJR 532 as amended was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—26

Table with 3 columns: Mr. President, Diaz de la Portilla, King, Alexander, Dockery, Lynn, Altman, Fasano, Peaden, Aronberg, Gaetz, Pruitt, Baker, Garcia, Richter, Bennett, Gardiner, Ring, Bullard, Gelber, Storms, Detert, Haridopolos, Wise, Deutch, Justice

Nays—11

Table with 3 columns: Constantine, Lawson, Smith, Dean, Oelrich, Sobel, Jones, Rich, Wilson, Joyner, Siplin

Vote after roll call:

Yea—Crist

CS for SB 784—A bill to be entitled An act relating to job opportunities for youth; providing legislative intent to support statewide vocational training and placement provided to at-risk youth through the Jobs for Florida’s Graduates program; requiring that a proposal for funding a statewide summer program for youth employment be submitted to the Florida Endowment Foundation for Florida’s Graduates; providing criteria concerning the proposal; requiring a report to the Legislature; providing for the Florida Endowment Foundation for Florida’s Graduates to be the fiscal agent for the Jobs for Florida’s Graduates program; providing an effective date.

—as amended April 30 was read the third time by title.

On motion by Senator Siplin, CS for SB 784 as amended was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

CS for CS for HB 479—A bill to be entitled An act relating to retirement; amending s. 121.021, F.S.; redefining the terms “employer,” “officer or employee,” “past service,” “normal retirement date,” “termination,” “regularly established position,” and “temporary position”; defining the terms “state board” and “trustees”; amending s. 121.031, F.S.; requiring promotional materials that refer to the Florida Retirement System to include a disclaimer unless approval is obtained from the Department of Management Services or the State Board of Administration; amending s. 121.051, F.S.; conforming a cross-reference; clarifying when a State Community College System Optional Retirement Program participant is considered a retiree; revising provisions relating to participation in the Florida Retirement System by certain employers; excluding the participation of certain entities under a lease agreement; amending s. 121.052, F.S.; revising membership criteria for members of the Elected Officers’ Class; revising the dates for when a governing body of a municipality or special district may elect to designate its elected positions for inclusion in the Elected Officers’ Class; amending s. 121.053, F.S.; revising provisions relating to participation in the Elected Officers’ Class for retired members; amending s. 121.055, F.S.; revising provisions relating to participation in the Senior Management Service Class; revising benefit payment procedures for the Senior Management Service Optional Annuity Program; clarifying when a participant is considered retired; amending s. 121.071, F.S.; providing an additional mechanism for the payment of employee contributions to the system; amending s. 121.081, F.S.; providing for receipt of credit for past or prior service by charter school and charter technical career center employees; prohibiting a member from receiving credit for service covered and reported by both a public employer and a private employer; amending s. 121.091, F.S.; revising and clarifying provisions relating to retirement benefits; deleting a restriction on the reemployment of certain personnel by the Florida School for the Deaf and the Blind; authorizing developmental research schools and charter schools to reemploy certain retired members under specified conditions; revising limitations on the payment of retirement benefits for certain retired persons who are reemployed by an employer participating in a state-administered retirement program; prohibiting certain persons holding public office from enrolling in the Florida Retirement System; deleting a provision authorizing an employing agency to reemploy a retired member as a firefighter or paramedic after a specified period; providing applicability; revising provisions relating to reemployment of retirees of the Public Employee Optional Retirement Program; providing that certain members who delay DROP participation lose a month of DROP participation for each month delayed; clarifying that DROP participation cannot be canceled; clarifying maximum DROP participation; providing for the suspension of DROP benefits to a participant who is reemployed; deleting obsolete provisions; revising employer contribution requirements; authorizing the Division of Retirement to issue benefits pursuant to a qualified domestic relations order directly to the alternate payee; amending s. 121.1115, F.S.; revising provisions relating to receiving retirement credit for out-of-state service; providing that a member is not eligible for and may not receive a benefit based on such service; amending s. 121.1122, F.S.; revising provisions relating to receiving retirement credit for in-state service; providing that certain members may not be eligible to

purchase service credit; amending s. 121.122, F.S.; providing that certain retirees initially reemployed on or after a specified date are ineligible for renewed membership in the system; revising conditions under which a retiree is entitled to certain additional retirement benefits; amending s. 121.136, F.S.; revising provisions relating to the annual statement of benefits provided to certain active members of the system; amending s. 121.1905, F.S.; deleting a provision describing the mission of the Division of Retirement; amending s. 121.23, F.S.; requiring the State Retirement Commission to use certain requirements used by the Secretary of Management Services before approving a disability retirement benefit; amending s. 121.24, F.S.; requiring a quorum of three members for all appeal hearings held by the commission; amending s. 121.35, F.S.; revising a compulsory membership exception for certain members failing to elect membership in the optional retirement program; providing a cross-reference; defining the term "retiree" for purposes of the State University System Optional Retirement Program; amending s. 121.4501, F.S.; revising the definition of "eligible employee" for purposes of the Public Employee Optional Retirement Program; amending s. 121.591, F.S.; providing a cross-reference; amending s. 1012.33, F.S.; deleting a provision preventing persons who have retired from the public school system from renewing membership in the Florida Retirement System or Teachers' Retirement System upon reemployment by the school system; repealing s. 121.093, F.S., relating to instructional personnel reemployment after retirement from a developmental research school or the Florida School for the Deaf and the Blind; repealing s. 121.094, F.S., relating to instructional personnel reemployment after retirement from a charter school; repealing s. 121.45, F.S., relating to interstate compacts relating to pension portability; providing a declaration of important state interest; providing an effective date.

—as amended April 30 was read the third time by title.

On motion by Senator Fasano, **CS for CS for HB 479** as amended was passed and certified to the House. The vote on passage was:

Yeas—27

Mr. President	Detert	Lynn
Alexander	Deutch	Peaden
Altman	Diaz de la Portilla	Pruitt
Aronberg	Dockery	Rich
Baker	Fasano	Richter
Bennett	Gaetz	Ring
Constantine	Gerber	Storms
Crist	Haridopolos	Villalobos
Dean	Justice	Wise

Nays—11

Bullard	King	Smith
Garcia	Lawson	Sobel
Jones	Oelrich	Wilson
Joyner	Siplin	

Vote after roll call:

Yea—Gardiner

Votes Recorded:

May 11, 2009: Yea—Joyner

CS for CS for HB 521—A bill to be entitled An act relating to ad valorem tax assessment challenges; amending s. 194.301, F.S.; revising burden of proof requirements in taxpayer challenges of ad valorem tax assessments of value; requiring property appraisers to prove compliance with certain laws and appraisal practices; providing a presumption of correctness under certain circumstances; providing taxpayer burden of proof requirements; deleting provisions relating to a presumption of correctness of an assessment by a property appraiser; authorizing value adjustment boards or courts to establish assessments under certain circumstances; specifying that a property appraiser's denial of exemption or assessment classification does not have a presumption of correctness in administrative or judicial actions; requiring a taxpayer to prove entitlement to an ad valorem tax exemption or classification by a preponderance of the evidence; providing legislative intent relating to

taxpayer burden of proof; rejecting certain case law precedent; providing construction; providing for retroactive application; providing an effective date.

—as amended April 30 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Fasano the rules were waived and the Senate reconsidered the vote by which **Amendment 1 (963610)** by Senator Fasano as amended was adopted.

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

Amendment 1B (221228) (with title amendment)—Delete lines 3-60 and insert:

Delete lines 25 - 81 and insert:

Section 1. Subsection (4) of section 193.052, Florida Statutes, is amended to read:

193.052 Preparation and serving of returns.—

(4) All returns shall be completed by the taxpayer in such a way as to correctly reflect the owner's estimate of the value of property owned or otherwise taxable to him or her and covered by such return. *All returns shall include a statement by the taxpayer of the original installed cost of the property and the reproduction or replacement cost thereof and all data and analysis supporting the statement. The return also shall include a statement by the taxpayer of the condition of the property, including, but not limited to, depreciation and obsolescence and all data and analysis supporting the statement. Failure to comply with this requirement shall constitute a waiver of the right to challenge the assessment for that year as determined by the property appraiser in any subsequent administrative or judicial proceeding.* All forms used for returns shall be prescribed by the department and delivered to the property appraisers for distribution to the taxpayers.

Section 2. Paragraph (g) of subsection (3) of section 194.011, Florida Statutes, is amended to read:

194.011 Assessment notice; objections to assessments.—

(3) A petition to the value adjustment board must be in substantially the form prescribed by the department. Notwithstanding s. 195.022, a county officer may not refuse to accept a form provided by the department for this purpose if the taxpayer chooses to use it. A petition to the value adjustment board shall describe the property by parcel number and shall be filed as follows:

(g) The individual, agent, or legal entity that signs the petition becomes an agent of the taxpayer for the purpose of serving process to obtain personal jurisdiction over the taxpayer for the entire value adjustment board proceedings, including any appeals of a board decision by the property appraiser pursuant to s. 194.036. *An individual, agent, or legal entity may not contract with a property owner to represent the property owner based on any agreement whereby the property owner agrees to pay the individual, agent, or legal entity a percentage of the amount of taxes saved based on any reduction in value made by the value adjustment board, and any such contract or agreement is declared null and void and contrary to the public policy of this state.*

Section 3. Section 194.301, Florida Statutes, is amended to read:

194.301 Presumption of correctness.—In any administrative or judicial action in which a taxpayer challenges an ad valorem tax assessment of value, the property appraiser's assessment shall be presumed correct. This presumption of correctness is lost if the taxpayer shows by a preponderance of the evidence that either the property appraiser has failed to consider properly the criteria in s. 193.011 or if the property appraiser's assessment is arbitrarily based on appraisal practices which are different from the appraisal practices generally applied by the property appraiser to comparable property within the same class and within the same county. If the presumption of correctness is lost, the taxpayer shall have the burden of proving by a preponderance of the evidence that the appraiser's assessment is in excess of just value. ~~If the presumption of correctness is retained, the taxpayer shall have the burden of proving by clear and convincing evidence that the appraiser's assessment is in ex-~~

~~cess of just value.~~ In no case shall the taxpayer have the burden of proving that the property appraiser's assessment is not supported by any reasonable hypothesis of a legal assessment. If the property appraiser's assessment is determined to be erroneous, the Value Adjustment Board or the court can establish the assessment if there exists competent, substantial evidence in the record, which cumulatively meets the requirements of s. 193.011. If the record lacks competent, substantial evidence meeting the just value criteria of s. 193.011, the matter shall be remanded to the property appraiser with appropriate directions from the Value Adjustment Board or the court.

And the title is amended as follows:

Delete lines 66-76 and insert: An act relating to ad valorem tax assessments; amending s. 193.052, F.S.; revising requirements for preparing and serving returns for property; amending s. 194.011, F.S.; revising filing procedures for petitions to a value adjustment board; amending s. 194.301, F.S.; deleting the provision relating to the retention of the presumption of correction of the property appraiser's assessment; providing legislative intent relating to

MOTION

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

Senator Lawson moved the following substitute amendment to **Amendment 1B** which failed to receive the required two-thirds vote:

Amendment 1C (814750) (with title amendment)—Delete lines 3-60 and insert:

Delete lines 25 - 93 and insert:

Section 1. Subsection (4) of section 193.052, Florida Statutes, is amended to read:

193.052 Preparation and serving of returns.—

(4) All returns shall be completed by the taxpayer in such a way as to correctly reflect the owner's estimate of the value of property owned or otherwise taxable to him or her and covered by such return. *All returns shall include a statement by the taxpayer of the original installed cost of the property and the reproduction or replacement cost thereof and all data and analysis supporting the statement. The return also shall include a statement by the taxpayer of the condition of the property, including, but not limited to, depreciation and obsolescence and all data and analysis supporting the statement. Failure to comply with this requirement constitutes a waiver of the right to challenge the assessment for that year as determined by the property appraiser in any subsequent administrative or judicial proceeding.* All forms used for returns shall be prescribed by the department and delivered to the property appraisers for distribution to the taxpayers.

Section 2. Paragraph (g) of subsection (3) of section 194.011, Florida Statutes, is amended to read:

194.011 Assessment notice; objections to assessments.—

(3) A petition to the value adjustment board must be in substantially the form prescribed by the department. Notwithstanding s. 195.022, a county officer may not refuse to accept a form provided by the department for this purpose if the taxpayer chooses to use it. A petition to the value adjustment board shall describe the property by parcel number and shall be filed as follows:

(g) The individual, agent, or legal entity that signs the petition becomes an agent of the taxpayer for the purpose of serving process to obtain personal jurisdiction over the taxpayer for the entire value adjustment board proceedings, including any appeals of a board decision by the property appraiser pursuant to s. 194.036. *An individual, agent, or legal entity may not contract with a property owner to represent the property owner based on any agreement whereby the property owner agrees to pay the individual, agent, or legal entity a percentage of the amount of taxes saved based on any reduction in value made by the value adjustment board, and any such contract or agreement is declared null and void and contrary to the public policy of this state.*

Section 3. Section 194.301, Florida Statutes, is amended to read:

194.301 Presumption of correctness.—In any administrative or judicial action in which a taxpayer challenges an ad valorem tax assessment of value, the property appraiser's assessment shall be presumed correct. This presumption of correctness is lost if the taxpayer shows by a preponderance of the evidence that either the property appraiser has failed to consider properly the criteria in s. 193.011 or if the property appraiser's assessment is arbitrarily based on appraisal practices which are different from the appraisal practices generally applied by the property appraiser to comparable property within the same class and within the same county. If the presumption of correctness is lost, the taxpayer shall have the burden of proving by a preponderance of the evidence that the appraiser's assessment is in excess of just value. ~~If the presumption of correctness is retained, the taxpayer shall have the burden of proving by clear and convincing evidence that the appraiser's assessment is in excess of just value.~~ In no case shall the taxpayer have the burden of proving that the property appraiser's assessment is not supported by any reasonable hypothesis of a legal assessment. If the property appraiser's assessment is determined to be erroneous, the Value Adjustment Board or the court can establish the assessment if there exists competent, substantial evidence in the record, which cumulatively meets the requirements of s. 193.011. If the record lacks competent, substantial evidence meeting the just value criteria of s. 193.011, the matter shall be remanded to the property appraiser with appropriate directions from the Value Adjustment Board or the court.

And the title is amended as follows:

Delete lines 64-76 and insert:

Delete lines 2 - 20 and insert: An act relating to ad valorem tax assessments; amending s. 193.052, F.S.; revising requirements for preparing and serving returns for property; amending s. 194.011, F.S.; revising filing procedures for petitions to a value adjustment board; amending s. 194.301, F.S.; deleting a provision relating to the retention of the presumption of correctness of the property appraiser's assessment; providing for

The question recurred on **Amendment 1B (221228)** which was withdrawn.

MOTION

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

Senator Lawson moved the following amendment to **Amendment 1** which failed to receive the required two-thirds vote:

Amendment 1D (599610) (with title amendment)—Delete lines 3-60 and insert:

Delete lines 27 - 95 and insert:

194.301 Presumption of correctness *and burden of proof in ad valorem tax assessment challenges.*—In any administrative or judicial action in which a taxpayer challenges an ad valorem tax assessment of value *is challenged, the burden of proof shall be on the party initiating the action and such party has the burden of proving by a preponderance of the evidence that the assessment, as established by the property appraiser or the Value Adjustment Board, is incorrect* ~~the property appraiser's assessment shall be presumed correct. This presumption of correctness is lost if the taxpayer shows by a preponderance of the evidence that either the property appraiser has failed to consider properly the criteria in s. 193.011 or if the property appraiser's assessment is arbitrarily based on appraisal practices which are different from the appraisal practices generally applied by the property appraiser to comparable property within the same class and within the same county. If the presumption of correctness is lost, the taxpayer shall have the burden of proving by a preponderance of the evidence that the appraiser's assessment is in excess of just value. If the presumption of correctness is retained, the taxpayer shall have the burden of proving by clear and convincing evidence that the appraiser's assessment is in excess of just value. In no case shall the taxpayer have the burden of proving that the property appraiser's assessment is not supported by any reasonable hypothesis of a legal assessment.~~ If the property appraiser's assessment is determined to be ~~incorrect~~ *erroneous*, the Value Adjustment Board or the court can establish the assessment if there exists competent, substantial evidence in the record, which cumulatively meets the requirements of s. 193.011. If the record lacks competent, substantial evidence meeting the just

value criteria of s. 193.011, the matter shall be remanded to the property appraiser with appropriate directions from the Value Adjustment Board or the court.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete lines 64-76 and insert:

Delete lines 2 - 21 and insert: An act relating to ad valorem tax assessments; amending s. 194.301, F.S.; revising criteria for a presumption of correctness of ad valorem tax assessments and the burden of proof in actions challenging such assessments; providing an effective date.

Amendment 1 as amended was adopted by two-thirds vote.

On motion by Senator Fasano, CS for CS for HB 521 as amended was passed by the required constitutional two-thirds vote of the membership and certified to the House. The vote on passage was:

Yeas—37

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

Nays—1

Dockery

Vote after roll call:

Yea—Gardiner

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 read the third time by title.

On motion by Senator Justice, CS for HB 635 was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Aronberg	Bennett
Altman	Baker	Bullard

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

Nays—None

The Senate resumed consideration of—

CS for CS for HB 1241—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 482.021, F.S.; revising terminology to modify requirements for supervision provided by certified operators in charge of pest control businesses; amending s. 482.051, F.S.; requiring pest control licensees to perform inspections before issuing certain contracts; amending s. 482.071, F.S.; increasing the financial responsibility requirements for pest control licensees; creating s. 482.072, F.S.; requiring pest control service center licensees; providing license application requirements and procedures; providing for expiration and renewal of licenses; establishing license fees; exempting pest control service center employees from identification card requirements except under certain circumstances; requiring recordkeeping and monitoring of service center operations; authorizing disciplinary action against pest control licensees for violations committed by service center employees; amending s. 482.152, F.S.; revising duties and supervisory requirements of certified operators in charge of pest control businesses; creating s. 482.157, F.S.; providing for pest control certification of commercial wildlife management personnel; providing application procedures and requirements; requiring a certification examination; establishing certification fees; amending s. 482.226, F.S.; increasing the financial responsibility requirements for certain pest control licensees; amending s. 493.6102, F.S.; specifying that provisions regulating security officers do not apply to certain officers performing off-duty activities; amending s. 493.6105, F.S.; revising application requirements and procedures for private investigator, security officer, or recovery agent licenses; specifying application requirements for firearms instructor license; amending s. 493.6106, F.S.; revising citizenship requirements and documentation for private investigator, security officer, and recovery agent licenses; prohibiting the licensure of applicants for a statewide firearm license or firearms instructor license who are prohibited from purchasing or possessing firearms; requiring notice of changes to branch office locations for private investigative, security, or recovery agencies; amending s. 493.6107, F.S.; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6108, F.S.; revising requirements for criminal history checks of license applicants whose fingerprints are not legible; requiring investigation of the mental and emotional fitness of applicants for firearms instructor licenses; amending s. 493.6111, F.S.; requiring a security officer school or recovery agent school to obtain the department's approval for use of a fictitious name; amending s. 493.6113, F.S.; revising application renewal procedures and requirements; amending s. 493.6115, F.S.; conforming cross-references; amending s. 493.6118, F.S.; authorizing disciplinary action against statewide firearm licensees and firearms instructor licensees who are prohibited from purchasing or possessing firearms; amending s. 493.6121, F.S.; deleting provisions for the department's access to certain criminal history records provided to licensed gun dealers, manufacturers, and exporters; amending s. 493.6202, F.S.; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6203, F.S.; prohibiting bodyguard services from being credited toward certain license requirements; revising training requirements for private investigator intern license applicants; amending s. 493.6302, F.S.; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6303, F.S.; revising the training requirements for security officer license applicants; amending s. 493.6304, F.S.; revising application requirements and procedures for security officer school licenses; amending s. 493.6401, F.S.; revising terminology for recovery agent schools and training facilities; amending s. 493.6402, F.S.; revising terminology for recovery agent schools and training facilities; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6406, F.S.;

requiring recovery agent school and instructor licenses; providing license application requirements and procedures; amending ss. 501.605 and 501.607, F.S.; revising application requirements for commercial telephone seller and salesperson licenses; amending s. 501.913, F.S.; specifying the sample size required for antifreeze registration application; amending s. 525.01, F.S.; revising requirements for petroleum fuel affidavits; amending s. 525.09, F.S.; imposing an inspection fee on certain alternative fuels containing alcohol; amending s. 526.50, F.S.; defining terms applicable to regulation of the sale of brake fluid; amending s. 526.51, F.S.; revising brake fluid permit application requirements; deleting permit renewal requirements; providing for reregistration of brake fluid and establishing fees; amending s. 526.52, F.S.; revising requirements for printed statements on brake fluid containers; amending s. 526.53, F.S.; revising requirements and procedures for brake fluid stop-sale orders; authorizing businesses to dispose of unregistered brake fluid under certain circumstances; amending s. 527.02, F.S.; increasing fees for liquefied petroleum gas licenses; revising fees for pipeline system operators; amending s. 527.0201, F.S.; revising requirements for liquefied petroleum gas qualifying examinations; increasing examination fees; increasing continuing education requirements for certain liquefied petroleum gas qualifiers; amending s. 527.021, F.S.; requiring the annual inspection of liquefied petroleum gas transport vehicles; increasing the inspection fee; amending s. 527.12, F.S.; providing for the issuance of certain stop orders; amending ss. 559.805 and 559.928, F.S.; deleting requirements that lists of independent agents of sellers of business opportunities and the agents' registration affidavits include the agents' social security numbers; amending s. 570.0725, F.S.; revising provisions for public information about food banks and similar food recovery programs; authorizing the department to adopt rules; amending ss. 570.53 and 570.54, F.S.; conforming cross-references; amending s. 570.55, F.S.; revising requirements for identifying sellers or handlers of tropical or subtropical fruit or vegetables; amending s. 570.902, F.S.; conforming terminology to the repeal by the act of provisions establishing the Florida Agricultural Museum; amending s. 570.903, F.S.; revising provisions for direct-support organizations for certain agricultural programs to conform to the repeal by the act of provisions establishing the Florida Agricultural Museum; deleting provisions for a direct-support organization for the Florida State Collection of Arthropods; amending s. 573.118, F.S.; requiring the department to maintain records of marketing orders; requiring an audit at the request of an advisory council; requiring that the advisory council receive a copy of the audit within a specified time; amending s. 581.011, F.S.; deleting terminology relating to the Florida State Collection of Arthropods; revising the term "nursery" for purposes of plant industry regulations; amending s. 581.031, F.S.; increasing citrus source tree registration fees; amending s. 581.131, F.S.; increasing registration fees for a nurseryman, stock dealer, agent, or plant broker certificate; amending s. 581.211, F.S.; increasing the maximum fine for violations of plant industry regulations; amending s. 583.13, F.S.; deleting a prohibition on the sale of poultry without displaying the poultry grade; amending s. 590.125, F.S.; revising terminology for open burning authorizations; specifying purposes of certified prescribed burning; requiring the authorization of the Division of Forestry for certified pile burning; providing pile burning requirements; limiting the liability of property owners or agents engaged in pile burning; providing for the certification of pile burners; providing penalties for violations by certified pile burners; requiring rules; revising notice requirements for wildfire hazard reduction treatments; providing for approval of local government open burning authorization programs; providing program requirements; authorizing the division to close local government programs under certain circumstances; providing penalties for violations of local government open burning requirements; amending s. 590.14, F.S.; authorizing fines for violations of any division rule; providing penalties for certain violations; providing legislative intent; amending s. 599.004, F.S.; revising standards that a winery must meet to qualify as a certified Florida Farm Winery; amending s. 604.15, F.S.; defining the term "responsible position" for purposes of provisions regulating dealers in agricultural products; amending s. 604.19, F.S.; revising requirements for late fees on agricultural products dealer applications; amending s. 604.20, F.S.; revising the minimum amount of the surety bond or certificate of deposit required for agricultural products dealer licenses; providing conditions for the payment of bond or certificate of deposit proceeds; requiring additional documentation for issuance of a conditional license; amending s. 604.25, F.S.; revising conditions under which the department may deny, refuse to renew, suspend, or revoke agricultural products dealer licenses; deleting a provision prohibiting certain persons from holding a responsible position with a licensee; amending s. 616.242, F.S.; amending s. 686.201, F.S.; exempting contracts involving a seller of travel from the requirements of that sec-

tion; authorizing the issuance of stop-operation orders for amusement rides under certain circumstances; amending s. 790.06, F.S.; authorizing a concealed firearm license applicant to submit fingerprints administered by the Division of Licensing; repealing ss. 570.071 and 570.901, F.S., relating to the Florida Agricultural Exposition and the Florida Agricultural Museum; amending s. 205.064, F.S.; authorizing a person selling certain agricultural products who is not a natural person to qualify for an exemption from obtaining a local business tax receipt; amending s. 322.01, F.S.; revising the term "farm tractor" for purposes of drivers' licenses; amending s. 500.03, F.S.; revising the term "food establishment" to include tomato repackers for purposes of the Florida Food Safety Act; creating s. 500.70, F.S.; defining the terms "field packing," "packing" or "repacking," and "producing"; requiring the Department of Agriculture and Consumer Services to adopt minimum food safety standards for the producing, harvesting, packing, and repacking of tomatoes; authorizing the department to inspect tomato farms, greenhouses, and packinghouses or repackers for compliance with the standards and certain provisions of the Florida Food Safety Act; providing penalties; authorizing the department to establish good agricultural practices and best management practices for the state's tomato industry; providing a presumption that tomatoes introduced into commerce are safe for human consumption under certain circumstances; providing exemptions; authorizing the department to adopt rules; amending s. 570.07, F.S.; authorizing the department to adopt best management practices for agricultural production and food safety; amending s. 570.48, F.S.; revising duties of the Division of Fruit and Vegetables for tomato food safety inspections; amending s. 604.15, F.S.; revising the term "agricultural products" to make tropical foliage exempt from regulation under provisions relating to dealers in agricultural products; amending s. 624.4095, F.S.; requiring that gross written premiums for certain crop insurance not be included when calculating the insurer's gross ratio; requiring that liabilities for ceded reinsurance premiums be netted against the asset for amounts recoverable from reinsurers; requiring that insurers who write other insurance products to disclose a breakout of the gross written premiums for crop insurance; amending s. 823.145, F.S.; expanding the materials used in agricultural operations that may be disposed of by open burning; providing certain limitations on open burning; amending s. 163.3162, F.S.; prohibiting a county from enforcing certain limits on the activity of a bona fide farm operation on agricultural land under certain circumstances; prohibiting a county from charging agricultural lands for stormwater management assessments and fees under certain circumstances; allowing an assessment to be collected if credits against the assessment are provided for implementation of best-management practices; providing exemptions from certain restrictions on a county's powers over the activity on agricultural land; providing a definition; providing for application; creating s. 163.3163, F.S.; creating the "Agricultural Land Acknowledgement Act"; providing legislative findings and intent; providing definitions; requiring an applicant for certain development permits to sign and submit an acknowledgement of contiguous agricultural land as a condition of the political subdivision issuing the permits; specifying information to be included in the acknowledgement; requiring that the acknowledgement be recorded in the official county records; amending s. 604.50, F.S.; exempting farm fences from the Florida Building Code; exempting nonresidential farm buildings and farm fences from county and municipal codes and fees; specifying that the exemptions do not apply to code provisions implementing certain floodplain regulations; providing an effective date.

—which was previously considered and amended this day.

RECONSIDERATION OF AMENDMENT

On motion by Senator Haridopolos, the Senate reconsidered the vote by which **Amendment 1 (679288)** by Senator Haridopolos was adopted.

MOTION

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

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

Amendment 1A (118116) (with title amendment)—Between lines 1144 and 1145 insert:

Section 39. Subsection (1) of section 559.801, Florida Statutes, is amended to read:

559.801 Definitions.—For the purpose of ss. 559.80-559.815, the term:

(1)(a) "Business opportunity" means the sale or lease of any products, equipment, supplies, or services which are sold or leased to a purchaser to enable the purchaser to start a business for which the purchaser is required to pay an initial fee or sum of money which exceeds \$500 to the seller, and in which the seller represents:

1. That the seller or person or entity affiliated with or referred by the seller will provide locations or assist the purchaser in finding locations for the use or operation of vending machines, racks, display cases, currency or card operated equipment, or other similar devices or currency-operated amusement machines or devices on premises neither owned nor leased by the purchaser or seller;

2. That the seller will purchase any or all products made, produced, fabricated, grown, bred, or modified by the purchaser using in whole or in part the supplies, services, or chattels sold to the purchaser;

3. That the seller guarantees that the purchaser will derive income from the business opportunity which exceeds the price paid or rent charged for the business opportunity or that the seller will refund all or part of the price paid or rent charged for the business opportunity, or will repurchase any of the products, equipment, supplies, or chattels supplied by the seller, if the purchaser is unsatisfied with the business opportunity; or

4. That the seller will provide a sales program or marketing program that will enable the purchaser to derive income from the business opportunity, except that this paragraph does not apply to the sale of a sales program or marketing program made in conjunction with the licensing of a trademark or service mark that is registered under the laws of any state or of the United States if the seller requires use of the trademark or service mark in the sales agreement.

For the purpose of subparagraph 1., the term "assist the purchaser in finding locations" means, but is not limited to, supplying the purchaser with names of locator companies, contracting with the purchaser to provide assistance or supply names, or collecting a fee on behalf of or for a locator company.

(b) "Business opportunity" does not include:

1. The sale of ongoing businesses when the owner of those businesses sells and intends to sell only those business opportunities so long as those business opportunities to be sold are no more than five in number; or

2. The not-for-profit sale of sales demonstration equipment, materials, or samples for a price that does not exceed \$500 or any sales training course offered by the seller the cost of which does not exceed \$500.

~~3. The sale or lease of laundry and drycleaning equipment.~~

And the title is amended as follows:

Delete line 2689 and insert: providing for the issuance of certain stop orders; amending s. 559.801, F.S.; deleting the sale or lease of laundry and drycleaning equipment from exclusions to the definition of the term "business opportunity" for purposes of the Sale of Business Opportunities Act;

Amendment 1 as amended was adopted.

On motion by Senator Haridopolos, by two-thirds vote CS for CS for HB 1241 as amended was read the third time by title, passed and then certified to the House. The vote on passage was:

Yeas—39

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

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

Nays—None

On motion by Senator Wilson, by unanimous consent—

CS for SB 910—A bill to be entitled An act relating to criminal justice; providing a short title; providing legislative intent; requiring state agencies and regulatory boards to prepare reports that identify and evaluate restrictions on licensing and employment; amending s. 112.011, F.S.; prohibiting state agencies from denying an application for a license, permit, certificate, or employment based on a person's lack of civil rights; providing an exception; amending s. 768.096, F.S.; requiring an employer to review the results of a criminal background investigation; requiring an employer not to place an employee who has a criminal record in a position where conduct similar to the employee's past criminal conduct would be facilitated; requiring an employer to determine that the criminal background investigation does not demonstrate that the employee is unsuitable for the particular work to be performed or the context of the employment in general; amending s. 943.0585, F.S.; clarifying under what circumstances a person may legally deny the existence of an expunged criminal history record; authorizing the disclosure of the contents of an expunged record upon receipt of a written, notarized request from the record subject; requiring clerks of the court to post information relating to procedures to seal or expunge criminal history records on the clerk's website; amending s. 943.059, F.S.; clarifying under what circumstances a person may legally deny the existence of a sealed criminal history record; authorizing a court to seal a criminal history record of a person who had a prior criminal history record sealed or expunged; providing an effective date.

—as amended April 30 was taken up out of order and read the third time by title.

MOTION

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

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

Amendment 1 (938130) (with title amendment)—Delete line 731 and insert:

Section 7. Present subsections (39) through (57) of section 985.03, Florida Statutes, are renumbered as subsections (40) through (58), respectively, and a new subsection (39) is added to that section, to read:

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

(39) "Ordinary medical care in department facilities and programs" means medical procedures that are administered or performed on a routine basis and include, but are not limited to, inoculations, physical examinations, remedial treatment for minor illnesses and injuries, preventive services, medication management, chronic disease detection and treatment, and other medical procedures that are administered or performed on a routine basis and that do not involve hospitalization, surgery, or use of general anesthesia.

Section 8. This act shall take effect July 1, 2009.

And the title is amended as follows:

Delete line 32 and insert: criminal history record sealed or expunged; amending s. 985.03, F.S.; defining the term "ordinary medical care in department facilities and programs"; providing

Amendment 2 (594564) (with title amendment)—Between lines 730 and 731 insert:

Section 7. Paragraph (e) is added to subsection (1) of section 985.441, Florida Statutes, to read:

985.441 Commitment.—

(1) The court that has jurisdiction of an adjudicated delinquent child may, by an order stating the facts upon which a determination of a sanction and rehabilitative program was made at the disposition hearing:

(e) Commit the child to the department for placement in a mother-infant program designed to serve the needs of the juvenile mothers or expectant juvenile mothers who are committed as delinquents. The department's mother-infant program must be licensed as a child care facility in accordance with s. 402.308, and must provide the services and support necessary to enable the committed juvenile mothers to provide for the needs of their infants who, upon agreement of the mother, may accompany them in the program. The department shall adopt rules to govern the operation of such programs.

Section 8. Subsection (2) of section 985.601, Florida Statutes, is amended to read:

985.601 Administering the juvenile justice continuum.—

(2)(a) The department shall develop and implement an appropriate continuum of care that provides individualized, multidisciplinary assessments, objective evaluations of relative risks, and the matching of needs with placements for all children under its care, and that uses a system of case management to facilitate each child being appropriately assessed, provided with services, and placed in a program that meets the child's needs.

(b) The department shall adopt rules to ensure the effective delivery of services to children in the department's care and custody. The rules must address the delivery of:

- 1. Ordinary medical care in department facilities and programs;
2. Mental health services in department facilities and programs;
3. Substance abuse treatment services in department facilities and programs; and
4. Services to children with developmental disabilities in department facilities and programs.

The department shall coordinate its rulemaking with the Department of Children and Family Services and the Agency for Persons with Disabilities to ensure that the rules adopted under this section do not encroach upon the substantive jurisdiction of those agencies. The department shall include the above-mentioned entities in the rulemaking process, as appropriate.

And the title is amended as follows:

Delete line 32 and insert: criminal history record sealed or expunged; amending s. 985.441, F.S.; providing that a court may commit a female child adjudicated as delinquent to the department for placement in a mother-infant program designed to serve the needs of the juvenile mothers or expectant juvenile mothers who are committed as delinquents; requiring the department to adopt rules to govern the operation of the mother-infant program; amending s. 985.601, F.S.; requiring that the department adopt rules to ensure the effective delivery of services to children in the care and custody of the department; requiring the department to coordinate its rule-adoption process with the Department of Children and Family Services and the Agency for Persons with Disabilities; providing

On motion by Senator Wilson, CS for SB 910 as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—38

Table with 3 columns: Mr. President, Alexander, Altman, Aronberg, Baker, Bennett, Bullard, Constantine, Crist, Dean, Detert, Deutch, Diaz de la Portilla, Dockery, Fasano.

Table with 3 columns: King, Lawson, Lynn, Oelrich, Peaden, Pruitt, Rich, Richter, Ring, Siplin, Smith, Sobel, Villalobos, Wilson, Wise.

Nays—None

Vote after roll call:

Yea—Storms

On motion by Senator Baker, by unanimous consent—

CS for CS for SB 2658—A bill to be entitled An act relating to fraud and abuse in state-funded programs; designating Miami-Dade County as a health care fraud area of special concern for certain purposes; amending s. 68.086, F.S.; authorizing rather than requiring a court to award attorney's fees and expenses to a prevailing defendant in an action brought under the Florida False Claims Act under certain circumstances; providing applicability; creating s. 408.8065, F.S.; providing additional licensure requirements for home health agencies, home medical equipment providers, and health care clinics; requiring the posting of a surety bond in a specified minimum amount under certain circumstances; imposing criminal penalties against a person who knowingly submits misleading information to the Agency for Health Care Administration in connection with applications for certain licenses; amending s. 400.471, F.S.; providing limitations on the licensure of home health agencies in certain counties; providing an exception; providing an effective date.

—as amended April 30 was taken up out of order and read the third time by title.

On motion by Senator Baker, CS for CS for SB 2658 as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Storms

On motion by Senator King, by unanimous consent—

CS for SB 1380—A bill to be entitled An act relating to energy; 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; 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; providing an effective date.

—as amended April 30 was taken up out of order and read the third time by title.

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 by two-thirds vote:

Amendment 1 (344876) (with title amendment)—Between lines 88 and 89 insert:

Section 2. (1)(a) *The state land planning agency shall implement an Energy Economic Zone Pilot Program to develop a model to help communities encourage and attain renewable electric energy generation, the manufacture of products that contribute to energy conservation, green jobs, and energy-efficient land use and development patterns and building designs. The Office of Tourism, Trade, and Economic Development, within the Executive Office of the Governor, and the Florida Energy and Climate Commission shall provide technical assistance to the state land planning agency in developing and administering the program. The pilot program is intended to cultivate green economic development and further the implementation of 2008 – 191, Laws of Florida, that requires that future land use elements within local government comprehensive plans are to be based on the discouragement of urban sprawl, energy-efficient land use patterns accounting for existing and future electric power generation and transmission systems, and greenhouse gas reduction strategies.*

(b) *Sarasota County is hereby authorized to apply to the state land planning agency to participate in the pilot program based on its record of promoting energy efficient policies and practices; and encouraging green economic development including adoption of a resolution with carbon neutral goals, an established green building and development incentive program, and a voter approved infrastructure surtax with a portion dedicated to economic development. The application shall identify the proposed location of the energy economic zone which shall be within an adopted urban service area and may include the county landfill outside the urban service boundary, present a proposed strategic plan for development and redevelopment in the energy economic zone, demonstrate consistency of the strategic plan with the local comprehensive plan or include proposed plan amendments necessary to achieve consistency, and identify comprehensive plan amendments that will be proposed to implement 2008 – 191, Laws of Florida. The strategic plan must include mixed use and form based standards that integrate multimodal transportation facilities with land use and development patterns to reduce reliance on automobiles encourage certified green building developments and renewable energy systems, encourage creating green jobs, and demonstrate how local financial and regulatory incentives will be used in the energy economic zone. The state land planning agency shall grant the application if it meets the requirements of this section.*

(c) *The state land planning agency and the Office of Tourism, Trade, and Economic Development, within the Executive Office of the Governor shall provide the pilot community including businesses within the energy economic zone with technical assistance in identifying and qualifying for eligible grants and credits in job creation, energy, and other areas.*

(2) *The state land planning agency shall:*

(a) *With the assistance of Office of Tourism, Trade, and Economic Development, submit an interim report by February 15, 2010 to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding the status of the pilot program and any recommendations deemed appropriate by the agency for statutory changes to accomplish the goals of the pilot program community, including whether it would be beneficial to provide financial incentives similar to those offered an enterprise zone.*

(b) *After consultation with the Office of Tourism, Trade, and Economic Development, submit a final report to the same officers by February 15, 2012, evaluating whether the pilot program has demonstrated any success in development and redevelopment in the energy economic zone*

incorporating renewable energy generation systems, low-impact design, and energy-efficient land use and development patterns and building designs, and shall recommend whether the program should be expanded for use by other local governments and whether state policies should be revised to encourage the goals of the program.

And the title is amended as follows:

Delete line 9 and insert: directing the state land planning agency to implement an Energy Economic Zone Pilot Program to develop a model to help communities encourage and attain certain specified conservation goals; requiring the Office of Tourism, Trade, and Economic Development and the Florida Energy and Climate Commission to provide technical assistance to the state land planning agency; authorizing Sarasota County to apply to the state land planning agency to participate in the pilot program; requiring the state land planning agency, with the assistance of Office of Tourism, Trade, and Economic Development, to submit an interim report and later a final report, by specified dates; providing an effective date.

On motion by Senator King, **CS for SB 1380** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

On motion by Senator Fasano, by unanimous consent—

CS for CS for SB 682—A bill to be entitled An act relating to government reorganization; transferring by a type II transfer the Bureau of Onsite Sewage from the Department of Health to the Department of Environmental Protection; 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; repealing s. 509.233(1) and (7), F.S., relating to a 3-year pilot program for local governments to allow patrons' dogs within certain designated outdoor portions of public food service establishments; abrogating the repeal of the program; 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; amending s. 509.233, F.S.; providing a short title; nullifying a provision of another bill which increases the threshold value of certain equipment for construction projects below which a contractor working with such equipment need not be a licensed engineer; providing an effective date.

—as amended April 30 was taken up out of order and read the third time by title.

MOTION

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

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

Amendment 1 (749232) (with title amendment)—Delete lines 34-55 and insert:

Section 1. Paragraph (k) is added to subsection (2) of

And the title is amended as follows:

Delete lines 3-5 and insert: amending s.

MOTION

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

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

Amendment 2 (390372) (with title amendment)—Between lines 106 and 107 insert:

Section 8. Paragraph (b) of subsection (3) of section 723.071, Florida Statutes, is amended to read:

723.071 Sale of mobile home parks.—

(3)

(b) As used in subsection (1), the term “offer” means any *solicited or unsolicited offer to buy the park solicitation by the park owner to the general public.*

And the title is amended as follows:

Delete line 29 and insert: not be a licensed engineer; amending s. 723.071, F.S.; redefining the term “offer” for purposes of the sale of a mobile home park; providing an effective

MOTION

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

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

Amendment 3 (443498) (with title amendment)—Between lines 106 and 107 insert:

Section 8. Paragraph (c) of subsection (12) of section 403.708, Florida Statutes, is amended to read:

403.708 Prohibition; penalty.—

(12) A person who knows or should know of the nature of the following types of solid waste may not dispose of such solid waste in landfills:

(c) Yard trash in lined landfills classified by department rule as Class I landfills *unless the landfill uses an active gas collection system to collect landfill gas generated at the disposal facility and provides or arranges for a beneficial reuse of the gas.* Yard trash that is source separated from solid waste may be accepted at a solid waste disposal area where separate yard trash composting facilities are provided and maintained. The department recognizes that incidental amounts of yard trash may be disposed of in Class I landfills. In any enforcement action taken pursuant to this paragraph, the department shall consider the difficulty of removing incidental amounts of yard trash from a mixed solid waste stream.

And the title is amended as follows:

Delete line 29 and insert: not be a licensed engineer; 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

On motion by Senator Fasano, **CS for CS for SB 682** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—1

Joyner

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

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 SB 1248, with Amendment 1, and requests the concurrence of the Senate.

Robert L. “Bob” Ward, Clerk

SB 1248—A bill to be entitled An act relating to public K-12 instructional materials; amending s. 1006.28, F.S.; deleting a provision that requires a public school principal to collect 50 to 75 percent of a textbook’s purchase price from a student who has lost, destroyed, or damaged a textbook that has been in use for more than 1 year; providing an effective date.

House Amendment 1 (727607) (with title amendment)—Between lines 35 and 36, insert:

Section 2. *Sections 3-5 of this act may be cited as the “Justice Sandra Day O’Connor Civics Education Act.”*

Section 3. Paragraph (a) of subsection (1) of section 1003.4156, Florida Statutes, is amended to read:

1003.4156 General requirements for middle grades promotion.—

(1) Beginning with students entering grade 6 in the 2006-2007 school year, promotion from a school composed of middle grades 6, 7, and 8 requires that:

(a) The student must successfully complete academic courses as follows:

1. Three middle school or higher courses in English. These courses shall emphasize literature, composition, and technical text.

2. Three middle school or higher courses in mathematics. Each middle school must offer at least one high school level mathematics course for which students may earn high school credit.

3. Three middle school or higher courses in social studies, one semester of which must include the study of state and federal government and civics education. *Beginning with students entering grade 6 in the 2011-2012 school year, one of these courses must be a one-semester civics education course that a student successfully completes in accordance with s. 1008.22(3)(c) and that includes the roles and responsibilities of federal, state, and local governments; the structures and functions of the legislative, executive, and judicial branches of government; and the meaning and significance of historic documents, such as the Articles of Con-*

federation, the Declaration of Independence, and the Constitution of the United States.

4. Three middle school or higher courses in science.
5. One course in career and education planning to be completed in 7th or 8th grade. The course may be taught by any member of the instructional staff; must include career exploration using CHOICES for the 21st Century or a comparable cost-effective program; must include educational planning using the online student advising system known as Florida Academic Counseling and Tracking for Students at the Internet website FACTS.org; and shall result in the completion of a personalized academic and career plan.

Each school must hold a parent meeting either in the evening or on a weekend to inform parents about the course curriculum and activities. Each student shall complete an electronic personal education plan that must be signed by the student; the student's instructor, guidance counselor, or academic advisor; and the student's parent. By January 1, 2007, the Department of Education shall develop course frameworks and professional development materials for the career exploration and education planning course. The course may be implemented as a stand-alone course or integrated into another course or courses. The Commissioner of Education shall collect longitudinal high school course enrollment data by student ethnicity in order to analyze course-taking patterns.

Section 4. Paragraph (c) of subsection (3) of section 1008.22, Florida Statutes, is amended to read:

1008.22 Student assessment program for public schools.—

(3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall design and implement a statewide program of educational assessment that provides information for the improvement of the operation and management of the public schools, including schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs. The commissioner may enter into contracts for the continued administration of the assessment, testing, and evaluation programs authorized and funded by the Legislature. Contracts may be initiated in 1 fiscal year and continue into the next and may be paid from the appropriations of either or both fiscal years. The commissioner is authorized to negotiate for the sale or lease of tests, scoring protocols, test scoring services, and related materials developed pursuant to law. Pursuant to the statewide assessment program, the commissioner shall:

(c) Develop and implement a student achievement testing program known as the Florida Comprehensive Assessment Test (FCAT) as part of the statewide assessment program to measure a student's content knowledge and skills in reading, writing, science, and mathematics. Other content areas may be included as directed by the commissioner. Comprehensive assessments of reading and mathematics shall be administered annually in grades 3 through 10. Comprehensive assessments of writing and science shall be administered at least once at the elementary, middle, and high school levels. End-of-course assessments for a subject may be administered in addition to the comprehensive assessments required for that subject under this paragraph. An end-of-course assessment must be rigorous, statewide, standardized, and developed or approved by the department. The content knowledge and skills assessed by comprehensive and end-of-course assessments must be aligned to the core curricular content established in the Sunshine State Standards. *During the 2011-2012 school year, an end-of-course assessment in civics education shall be administered as a field test at the middle school level. During the 2012-2013 school year, each student's performance on the statewide, standardized end-of-course assessment in civics education shall constitute 30 percent of the student's final course grade. Beginning with the 2013-2014 school year, a student must earn a passing score on the end-of-course assessment in civics education in order to pass the course and receive course credit.* The commissioner may select one or more nationally developed comprehensive examinations, which may include, but need not be limited to, examinations for a College Board Advanced Placement course, International Baccalaureate course, or Advanced International Certificate of Education course or industry-approved examinations to earn national industry certifications as defined in s. 1003.492, for use as end-of-course assessments under this paragraph, if the commissioner determines that the content knowledge and skills assessed by the examinations meet or exceed the grade level expectations for the core curricular content established for the course in the Next Generation Sunshine State Standards. The commissioner may

collaborate with the American Diploma Project in the adoption or development of rigorous end-of-course assessments that are aligned to the Next Generation Sunshine State Standards. The testing program must be designed as follows:

1. The tests shall measure student skills and competencies adopted by the State Board of Education as specified in paragraph (a). The tests must measure and report student proficiency levels of all students assessed in reading, writing, mathematics, and science. The commissioner shall provide for the tests to be developed or obtained, as appropriate, through contracts and project agreements with private vendors, public vendors, public agencies, postsecondary educational institutions, or school districts. The commissioner shall obtain input with respect to the design and implementation of the testing program from state educators, assistive technology experts, and the public.

2. The testing program shall be composed of criterion-referenced tests that shall, to the extent determined by the commissioner, include test items that require the student to produce information or perform tasks in such a way that the core content knowledge and skills he or she uses can be measured.

3. Beginning with the 2008-2009 school year, the commissioner shall discontinue administration of the selected-response test items on the comprehensive assessments of writing. Beginning with the 2012-2013 school year, the comprehensive assessments of writing shall be composed of a combination of selected-response test items, short-response performance tasks, and extended-response performance tasks, which shall measure a student's content knowledge of writing, including, but not limited to, paragraph and sentence structure, sentence construction, grammar and usage, punctuation, capitalization, spelling, parts of speech, verb tense, irregular verbs, subject-verb agreement, and noun-pronoun agreement.

4. A score shall be designated for each subject area tested, below which score a student's performance is deemed inadequate. The school districts shall provide appropriate remedial instruction to students who score below these levels.

5. Except as provided in s. 1003.428(8)(b) or s. 1003.43(11)(b), students must earn a passing score on the grade 10 assessment test described in this paragraph or attain concordant scores as described in subsection (10) in reading, writing, and mathematics to qualify for a standard high school diploma. The State Board of Education shall designate a passing score for each part of the grade 10 assessment test. In establishing passing scores, the state board shall consider any possible negative impact of the test on minority students. The State Board of Education shall adopt rules which specify the passing scores for the grade 10 FCAT. Any such rules, which have the effect of raising the required passing scores, shall apply only to students taking the grade 10 FCAT for the first time after such rules are adopted by the State Board of Education.

6. Participation in the testing program is mandatory for all students attending public school, including students served in Department of Juvenile Justice programs, except as otherwise prescribed by the commissioner. If a student does not participate in the statewide assessment, the district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation. A parent must provide signed consent for a student to receive classroom instructional accommodations that would not be available or permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such instructional accommodations. The State Board of Education shall adopt rules, based upon recommendations of the commissioner, for the provision of test accommodations for students in exceptional education programs and for students who have limited English proficiency. Accommodations that negate the validity of a statewide assessment are not allowable in the administration of the FCAT. However, instructional accommodations are allowable in the classroom if included in a student's individual education plan. Students using instructional accommodations in the classroom that are not allowable as accommodations on the FCAT may have the FCAT requirement waived pursuant to the requirements of s. 1003.428(8)(b) or s. 1003.43(11)(b).

7. A student seeking an adult high school diploma must meet the same testing requirements that a regular high school student must meet.

8. District school boards must provide instruction to prepare students to demonstrate proficiency in the core curricular content established in the Next Generation Sunshine State Standards adopted under s. 1003.41, including the core content knowledge and skills necessary for successful grade-to-grade progression and high school graduation. If a student is provided with instructional accommodations in the classroom that are not allowable as accommodations in the statewide assessment program, as described in the test manuals, the district must inform the parent in writing and must provide the parent with information regarding the impact on the student's ability to meet expected proficiency levels in reading, writing, and mathematics. The commissioner shall conduct studies as necessary to verify that the required core curricular content is part of the district instructional programs.

9. District school boards must provide opportunities for students to demonstrate an acceptable level of performance on an alternative standardized assessment approved by the State Board of Education following enrollment in summer academies.

10. The Department of Education must develop, or select, and implement a common battery of assessment tools that will be used in all juvenile justice programs in the state. These tools must accurately measure the core curricular content established in the Sunshine State Standards.

11. For students seeking a special diploma pursuant to s. 1003.438, the Department of Education must develop or select and implement an alternate assessment tool that accurately measures the core curricular content established in the Sunshine State Standards for students with disabilities under s. 1003.438.

12. The Commissioner of Education shall establish schedules for the administration of statewide assessments and the reporting of student test results. The commissioner shall, by August 1 of each year, notify each school district in writing and publish on the department's Internet website the testing and reporting schedules for, at a minimum, the school year following the upcoming school year. The testing and reporting schedules shall require that:

a. There is the latest possible administration of statewide assessments and the earliest possible reporting to the school districts of student test results which is feasible within available technology and specific appropriations; however, test results must be made available no later than the final day of the regular school year for students.

b. Beginning with the 2010-2011 school year, a comprehensive statewide assessment of writing is not administered earlier than the week of March 1 and a comprehensive statewide assessment of any other subject is not administered earlier than the week of April 15.

c. A statewide standardized end-of-course assessment is administered within the last 2 weeks of the course.

The commissioner may, based on collaboration and input from school districts, design and implement student testing programs, for any grade level and subject area, necessary to effectively monitor educational achievement in the state, including the measurement of educational achievement of the Sunshine State Standards for students with disabilities. Development and refinement of assessments shall include universal design principles and accessibility standards that will prevent any unintended obstacles for students with disabilities while ensuring the validity and reliability of the test. These principles should be applicable to all technology platforms and assistive devices available for the assessments. The field testing process and psychometric analyses for the statewide assessment program must include an appropriate percentage of students with disabilities and an evaluation or determination of the effect of test items on such students.

Section 5. Paragraph (c) of subsection (3) of section 1008.34, Florida Statutes, is amended to read:

1008.34 School grading system; school report cards; district grade.—

(3) DESIGNATION OF SCHOOL GRADES.—

(c) Student assessment data used in determining school grades shall include:

1. The aggregate scores of all eligible students enrolled in the school who have been assessed on the FCAT *and, beginning with the 2012-2013 school year, the statewide, standardized end-of-course assessment in civics education at the middle school level.*

2. The aggregate scores of all eligible students enrolled in the school who have been assessed on the FCAT and who have scored at or in the lowest 25th percentile of students in the school in reading, mathematics, or writing, unless these students are exhibiting satisfactory performance.

3. Effective with the 2005-2006 school year, the achievement scores and learning gains of eligible students attending alternative schools that provide dropout prevention and academic intervention services pursuant to s. 1003.53. The term "eligible students" in this subparagraph does not include students attending an alternative school who are subject to district school board policies for expulsion for repeated or serious offenses, who are in dropout retrieval programs serving students who have officially been designated as dropouts, or who are in programs operated or contracted by the Department of Juvenile Justice. The student performance data for eligible students identified in this subparagraph shall be included in the calculation of the home school's grade. As used in this section and s. 1008.341, the term "home school" means the school to which the student would be assigned if the student were not assigned to an alternative school. If an alternative school chooses to be graded under this section, student performance data for eligible students identified in this subparagraph shall not be included in the home school's grade but shall be included only in the calculation of the alternative school's grade. A school district that fails to assign the FCAT scores of each of its students to his or her home school or to the alternative school that receives a grade shall forfeit Florida School Recognition Program funds for 1 fiscal year. School districts must require collaboration between the home school and the alternative school in order to promote student success. This collaboration must include an annual discussion between the principal of the alternative school and the principal of each student's home school concerning the most appropriate school assignment of the student.

4. Beginning with the 2009-2010 school year for schools comprised of high school grades 9, 10, 11, and 12, or grades 10, 11, and 12, the data listed in subparagraphs 1.-3. and the following data as the Department of Education determines such data are valid and available:

a. The high school graduation rate of the school as calculated by the Department of Education;

b. The participation rate of all eligible students enrolled in the school and enrolled in College Board Advanced Placement courses; International Baccalaureate courses; dual enrollment courses; Advanced International Certificate of Education courses; and courses or sequence of courses leading to industry certification, as determined by the Agency for Workforce Innovation under s. 1003.492(2) in a career and professional academy, as described in s. 1003.493;

c. The aggregate scores of all eligible students enrolled in the school in College Board Advanced Placement courses, International Baccalaureate courses, and Advanced International Certificate of Education courses;

d. Earning of college credit by all eligible students enrolled in the school in dual enrollment programs under s. 1007.271;

e. Earning of an industry certification, as determined by the Agency for Workforce Innovation under s. 1003.492(2) in a career and professional academy, as described in s. 1003.493;

f. The aggregate scores of all eligible students enrolled in the school in reading, mathematics, and other subjects as measured by the SAT, the ACT, and the common placement test for postsecondary readiness;

g. The high school graduation rate of all eligible at-risk students enrolled in the school who scored at Level 2 or lower on the grade 8 FCAT Reading and Mathematics examinations;

h. The performance of the school's students on statewide standardized end-of-course assessments administered under s. 1008.22; and

i. The growth or decline in the data components listed in sub-subparagraphs a.-h. from year to year.

The State Board of Education shall adopt appropriate criteria for each school grade. The criteria must also give added weight to student achievement in reading. Schools designated with a grade of "C," making satisfactory progress, shall be required to demonstrate that adequate progress has been made by students in the school who are in the lowest 25th percentile in reading, mathematics, or writing on the FCAT, unless these students are exhibiting satisfactory performance. Beginning with the 2009-2010 school year for schools comprised of high school grades 9, 10, 11, and 12, or grades 10, 11, and 12, the criteria for school grades must also give added weight to the graduation rate of all eligible at-risk students, as defined in this paragraph. Beginning in the 2009-2010 school year, in order for a high school to be designated as having a grade of "A," making excellent progress, the school must demonstrate that at-risk students, as defined in this paragraph, in the school are making adequate progress.

Section 6. Section 1003.497, Florida Statutes, is created to read:

1003.497 *Service learning.*—

(1) *The Department of Education shall encourage school districts to initiate, adopt, expand, and institutionalize service-learning programs, activities, and policies in kindergarten through grade 12. Service learning refers to a student-centered, research-based teaching and learning strategy that engages students in meaningful service activities in their schools or communities. Service-learning activities are directly tied to academic curricula, standards, and course, district, or state assessments. Service-learning activities foster academic achievement, character development, civic engagement, and career exploration and enable students to apply curriculum content, skills, and behaviors taught in the classroom.*

(2) *Upon request of any school district that chooses to implement service-learning programs, activities, or policies, the department shall provide assistance in locating, leveraging, and utilizing available or alternative financial resources that will assist school districts or teachers desiring to receive training and other resources to develop and administer service-learning programs or activities. School districts are encouraged to include kindergarten through grade 12 service-learning programs and activities in proposals they submit to the department under federal entitlement grants and competitive state and federal grants administered through the department.*

(3)(a) *The department shall develop and adopt elective service-learning courses for inclusion in middle and high school course code directories, which will allow additional opportunities for students to engage in service learning. School districts are encouraged to provide support for the use of service learning at any grade level as an instructional strategy to address appropriate areas of state education standards for student knowledge and performance.*

(b) *The hours that high school students devote to course-based service-learning activities may be counted toward meeting community service requirements for high school graduation and community service requirements for participation in the Florida Bright Futures Scholarship Program. School districts are encouraged to include service learning as part of any course or activity required for high school graduation and to include and accept service-learning activities and hours in requirements for academic awards, especially those awards that currently include community service as a criterion or selection factor.*

Section 7. Paragraph (a) of subsection (3) of section 1008.34, Florida Statutes, is amended to read:

1008.34 School grading system; school report cards; district grade.—

(3) DESIGNATION OF SCHOOL GRADES.—

(a) Each school that has students who are tested and included in the school grading system shall receive a school grade, except as follows:

1. A school shall not receive a school grade if the number of its students tested and included in the school grading system is less than the minimum sample size necessary, based on accepted professional practice, for statistical reliability and prevention of the unlawful release of personally identifiable student data under s. 1002.22 or 20 U.S.C. s. 1232g.

2. An alternative school may choose to receive a school grade under this section or a school improvement rating under s. 1008.341. For

charter schools that meet the definition of an alternative school pursuant to State Board of Education rule, the decision to receive a school grade is the decision of the charter school governing board.

3. A school that serves any combination of students in kindergarten through grade 3 which does not receive a school grade because its students are not tested and included in the school grading system shall receive the school grade designation of a K-3 feeder pattern school identified by the Department of Education and verified by the school district. A school feeder pattern exists if at least 60 percent of the students in the school serving a combination of students in kindergarten through grade 3 are scheduled to be assigned to the graded school.

And the title is amended as follows:

Remove lines 2-8 and insert: An act relating to public K-12 education; amending s. 1006.28, F.S.; deleting a provision that requires a public school principal to collect 50 to 75 percent of a textbook's purchase price from a student who has lost, destroyed, or damaged a textbook that has been in use for more than 1 year; providing a short title; amending s. 1003.4156, F.S.; providing requirements for a civics education course that a student must successfully complete for middle grades promotion beginning with students entering grade 6 in the 2011-2012 school year; amending s. 1008.22, F.S.; requiring the administration of an end-of-course assessment in civics education as a field test at the middle school level during the 2011-2012 school year; providing requirements for course grade and course credit for subsequent school years; amending s. 1008.34, F.S.; requiring the inclusion of civics education end-of-course assessment data in determining school grades beginning with the 2012-2013 school year; creating s. 1003.497, F.S.; requiring the Department of Education to encourage school districts to initiate, adopt, expand, and institutionalize service-learning programs, activities, and policies in kindergarten through grade 12; defining service learning; providing for department assistance to a school district that chooses to implement service-learning activities; requiring development and adoption of service-learning courses; authorizing service-learning activities to count toward high school graduation or academic award requirements; encouraging school districts to include service learning as part of courses or activities required for high school graduation or receipt of academic awards; amending s. 1008.34, F.S.; revising provisions relating to schools receiving a school grade; providing an effective date.

Senator Wise moved the following amendment which was adopted:

Senate Amendment 1 (507100) (with title amendment) to House Amendment 1—Delete lines 5-362.

And the title is amended as follows:

Delete lines 447-458 and insert: textbook that has been in use for more than 1 year; creating

Senator Wise moved the following amendment:

Senate Amendment 2 (529256) (with title amendment) to House Amendment 1—After line 435 insert:

Section 8. Section 1012.985, Florida Statutes, is amended to read:

1012.985 ~~Regional Statewide system for inservice~~ professional development academies.—

(1) The intent of this section is to ~~facilitate establish a statewide~~ system of professional development that provides a wide range of ~~targeted~~ inservice training to teachers, managers, and administrative personnel ~~which is~~ designed to upgrade skills and knowledge needed to ~~attain reach~~ world class standards in education. The system shall consist of a network of professional development academies ~~that in each region of the state which~~ are operated in partnership with area business partners to develop and deliver high-quality training programs ~~for purchased by school districts. Each regional professional development academy must~~ The academies shall be established to meet the human resource development needs of professional educators, schools, and school districts ~~and shall. Funds appropriated for the initiation of professional development academies shall be allocated by the Commissioner of Education, unless otherwise provided in an appropriations act. To be eligible for startup funds, the academy must:~~

(a) ~~Support Be established by the collaborative efforts of one or more district school boards, members of the business community, and the postsecondary educational institutions which may award college credits for courses taught at the academy.~~

~~(b) Demonstrate the capacity to provide effective training to improve teaching skills in the areas of elementary reading and mathematics, the use of instructional technology, high school algebra, and classroom management, and to deliver such training using face-to-face, distance learning, and individualized computer based delivery systems.~~

~~(c) Propose a plan for responding in an effective and timely manner to the professional development needs of teachers, managers, administrative personnel, schools, and school districts relating to improving student achievement and meeting state and local education goals.~~

~~(b) (d) Demonstrate the ability to Provide high-quality trainers and training and; appropriate followup and coaching for all participants; and support school personnel in increasing student achievement in positively impacting student performance.~~

~~(c) (e) Be operated under contract with its public partners. Contracts between district school boards and each regional professional development academy must require:~~

1. ~~The academy's independent board of directors to be responsible for the prudent use of all public and private funds and to ensure that those funds are used in accordance with applicable laws, bylaws, and contractual agreements.~~

2. ~~The academy to retain proper documentation evidencing that district school board funds provided to the academy are expended for authorized purposes as prescribed in the contract and that services to district school boards are commensurate with the funds paid to the academy for those services. The academy's records must be available for inspection by the district school board's internal auditor and the Auditor General.~~

3. ~~Each district school board to approve any participation by the academy in the district's programs or services, including use of the district's facilities, furnishings, equipment, other chattels, personnel, or services.~~

4. ~~The academy to provide an annual report of its activities and expenditures to its independent board of directors and each party to the contract.~~

5. ~~The academy to be annually audited by an independent certified public accountant retained and paid for by the academy and to provide a copy of the audit report to each party to the contract.~~

~~(d) Be and governed by an independent board of directors, which should include at least one district school superintendent and one district school board chair from the participating school districts, the president of the collective bargaining unit that represents the majority of the region's teachers, and at least three individuals who are not employees or elected or appointed officials of the participating school districts. Regional educational consortia as defined in s. 1001.451 satisfy the requirements of this paragraph.~~

~~(f) Be financed during the first year of operation by an equal or greater match from private funding sources and demonstrate the ability to be self-supporting within 1 year after opening through fees for services, grants, or private contributions. Regional educational consortia as defined in s. 1001.451 which serve rural areas of critical economic concern are exempt from the funding match required by this paragraph.~~

~~(g) Own or lease a facility that can be used to deliver training onsite and through distance learning and other technology based delivery systems. The participating district school boards may lease a site or facility to the academy for a nominal fee and may pay all or part of the costs of renovating a facility to accommodate the academy. The academy is responsible for all operational, maintenance, and repair costs.~~

~~(e) (h) Provide professional development services for the participating school districts as specified in the contract and may provide professional development services to other school districts, private schools, and individuals on a fee-for-services basis.~~

~~(2) Upon compliance with the requirements for the first year of operation in paragraph (1)(f), A regional professional development academy may:~~

~~(a) May Receive funds from the Department of Education or as provided in the General Appropriations Act for the purpose of developing programs, expanding services, assessing inservice training and professional development, or other programs that are consistent with the mission of the academy and the needs of the state and region; and~~

~~(b) Receive, hold, invest, and administer property and any moneys acquired from private, local, state, and federal sources, as well as technical and professional income generated or derived from activities of the academy, for the benefit of the academy and the fulfillment of its mission. Income generated by school district personnel at the academy from trademarks, copyrights, and patents shall be shared between the academy and the district school board as outlined in the contract.~~

~~(b) Is not, by virtue of providing services to one or more school districts, a component of any school district or any governmental unit to which the regional professional development academy provides services.~~

And the title is amended as follows:

Delete line 471 and insert: relating to schools receiving a school grade; amending s. 1006.28, F.S.; deleting a provision that requires a public school principal to collect 50 to 75 percent of a textbook's purchase price from a student who has lost, destroyed, or damaged a textbook that has been in use for more than 1 year; amending s. 1012.985, F.S.; providing for regional academies rather than a statewide system of organization; providing duties of regional professional development academies; deleting provisions that require academies to meet certain criteria in order to receive start-up funds; specifying requirements for contracts between district school boards and academies; deleting requirements relating to first-year funding and academy financial self-sufficiency in future years; authorizing the academies to administer property and moneys received from various sources; requiring that income generated from certain activities be shared between the academy and the district school board; providing an

Senator Wise moved the following substitute amendment which was adopted:

Senate Amendment 3 (139928) (with title amendment) to House Amendment 1—After line 435 insert:

Section 8. Section 1012.985, Florida Statutes, is amended to read:

1012.985 ~~Regional Statewide system for inservice~~ professional development academies.—

(1) The intent of this section is to ~~facilitate establish~~ a statewide system of professional development that provides a wide range of ~~targeted~~ inservice training to teachers, managers, and administrative personnel ~~which is~~ designed to upgrade skills and knowledge needed to ~~attain reach~~ world class standards in education. The system shall consist of a network of professional development academies ~~that in each region of the state which~~ are operated in partnership with area business partners to develop and deliver high-quality training programs for ~~purchased by~~ school districts. ~~Each regional professional development academy must~~ The academies shall be established to meet the human resource development needs of professional educators, schools, and school districts ~~and shall—Funds appropriated for the initiation of professional development academies shall be allocated by the Commissioner of Education, unless otherwise provided in an appropriations act. To be eligible for startup funds, the academy must:~~

~~(a) Support Be established by the collaborative efforts of one or more district school boards, members of the business community, and the postsecondary educational institutions which may award college credits for courses taught at the academy.~~

~~(b) Demonstrate the capacity to provide effective training to improve teaching skills in the areas of elementary reading and mathematics, the use of instructional technology, high school algebra, and classroom management, and to deliver such training using face-to-face, distance learning, and individualized computer based delivery systems.~~

~~(c) Propose a plan for responding in an effective and timely manner to the professional development needs of teachers, managers, administrative personnel, schools, and school districts relating to improving student achievement and meeting state and local education goals.~~

~~(b) (d) Demonstrate the ability to Provide high-quality trainers and training and; appropriate followup and coaching for all participants; and support school personnel in increasing student achievement in positively impacting student performance.~~

~~(c) (e) Be operated under contract with its public partners. Contracts between district school boards and each regional professional development academy must require:~~

1. ~~The academy's independent board of directors to be responsible for the prudent use of all public and private funds and to ensure that those funds are used in accordance with applicable laws, bylaws, and contractual agreements.~~

2. ~~The academy to retain proper documentation evidencing that district school board funds provided to the academy are expended for authorized purposes as prescribed in the contract and that services to district school boards are commensurate with the funds paid to the academy for those services. The academy's records must be available for inspection by the district school board's internal auditor and the Auditor General.~~

3. ~~Each district school board to approve any participation by the academy in the district's programs or services, including use of the district's facilities, furnishings, equipment, other chattels, personnel, or services.~~

4. ~~The academy to provide an annual report of its activities and expenditures to its independent board of directors and each party to the contract.~~

5. ~~The academy to be annually audited by an independent certified public accountant retained and paid for by the academy and to provide a copy of the audit report to each party to the contract.~~

~~(d) Be and governed by an independent board of directors, which should include at least one district school superintendent and one district school board chair from the participating school districts, the president of the collective bargaining unit that represents the majority of the region's teachers, and at least three individuals who are not employees or elected or appointed officials of the participating school districts. Regional educational consortia as defined in s. 1001.451 satisfy the requirements of this paragraph.~~

~~(f) Be financed during the first year of operation by an equal or greater match from private funding sources and demonstrate the ability to be self supporting within 1 year after opening through fees for services, grants, or private contributions. Regional educational consortia as defined in s. 1001.451 which serve rural areas of critical economic concern are exempt from the funding match required by this paragraph.~~

~~(g) Own or lease a facility that can be used to deliver training onsite and through distance learning and other technology based delivery systems. The participating district school boards may lease a site or facility to the academy for a nominal fee and may pay all or part of the costs of renovating a facility to accommodate the academy. The academy is responsible for all operational, maintenance, and repair costs.~~

~~(e) (h) Provide professional development services for the participating school districts as specified in the contract and may provide professional development services to other school districts, private schools, and individuals on a fee-for-services basis.~~

~~(2) Upon compliance with the requirements for the first year of operation in paragraph (1)(f), A regional professional development academy may:~~

(a) ~~May~~ Receive funds from the Department of Education or as provided in the General Appropriations Act for the purpose of developing programs, expanding services, assessing inservice training and professional development, or other programs that are consistent with the mission of the academy and the needs of the state and region; and

(b) ~~Receive, hold, invest, and administer property and any moneys acquired from private, local, state, and federal sources, as well as tech-~~

~~nical and professional income generated or derived from activities of the academy, for the benefit of the academy and the fulfillment of its mission. Income generated by school district personnel at the academy from trademarks, copyrights, and patents shall be shared between the academy and the district school board as outlined in the contract.~~

~~(b) Is not, by virtue of providing services to one or more school districts, a component of any school district or any governmental unit to which the regional professional development academy provides services.~~

And the title is amended as follows:

Delete line 471 and insert: relating to schools receiving a school grade; amending s. 1012.985, F.S.; providing for regional academies rather than a statewide system of organization; providing duties of regional professional development academies; deleting provisions that require academies to meet certain criteria in order to receive start-up funds; specifying requirements for contracts between district school boards and academies; deleting requirements relating to first-year funding and academy financial self-sufficiency in future years; authorizing the academies to administer property and moneys received from various sources; requiring that income generated from certain activities be shared between the academy and the district school board; providing an

On motion by Senator Wise, the Senate concurred in **House Amendment 1** as amended and requested the House to concur in the Senate Amendments to the House Amendment.

SB 1248 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for CS for SB's 2430 and SB 1960, with Amendments 1, 2, 3, 4 and 5 and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for CS for CS for SB's 2430 and SB 1960—A bill to be entitled An act relating to the taxation of documents; amending s. 3, ch. 83-220, Laws of Florida, as amended; extending a future repeal date of provisions authorizing counties to levy a discretionary surtax on documents; amending s. 125.0167, F.S.; limiting the percentage of surtax revenues that may be used for administrative costs; specifying a minimum amount of surtax revenues to be used for housing for certain low-income and moderate-income families; requiring an affirmative vote of a local government governing body to rehabilitate certain government-owned housing; authorizing certain counties to create by ordinance a housing choice assistance voucher program for the purpose of down payment assistance; providing definitions; providing eligibility requirements for such vouchers; authorizing purchasing employers to file for allocations for such vouchers; limiting allocations; requiring distribution of allocations to employees in the form of such vouchers; prohibiting use of allocations for such vouchers if not awarded within a certain period after certain documentary stamps taxes are collected; requiring the Office of Program Policy Analysis and Government Accountability to conduct a

continuing review of the discretionary surtax program operated by counties; requiring reports to the Legislature; providing legislative intent to reverse a judicial opinion relating to the application of the excise tax on documents to certain transactions involving legal entities; amending s. 201.02, F.S.; defining terms; imposing the tax on certain transfers to a conduit entity; providing for the tax to be prorated when the interest transferred includes assets other than real property; exempting the transfer of shares or similar equity interests in a conduit entity from the tax; exempting certain transfers for purposes of estate planning; providing for liberal construction; providing for payment of the tax when no document is recorded; imposing the tax on deeds, instruments, and other writings on the consideration for a transfer of real property pursuant to a short sale; providing that the consideration subject to the tax does not include unpaid indebtedness that is forgiven by a mortgagee; defining the term "short sale"; authorizing the Department of Revenue to adopt emergency rules relating to transfers of real property interest involving conduit entities and transfers of real property pursuant to short sales; amending s. 201.031, F.S.; expanding requirements for counties levying the discretionary surtax to include housing plan, affordable housing element, and annual reporting requirements; amending s. 719.105, F.S.; conforming a cross-reference; authorizing the issuance of Florida Forever bonds; providing an appropriation for debt service on such bonds; authorizing the issuance of Everglades Restoration bonds; providing an appropriation for debt service on such bonds; providing an appropriation to the Department of Environmental Protection for the design and construction of certain restoration and protection plans and for the acquisition of lands needed for these project components; providing an appropriation for the purpose of implementing agricultural nonpoint source controls in certain watersheds; amending s. 201.15, F.S.; conforming provisions to changes made by the act; providing for application of specified provisions of the act; providing effective dates.

House Amendment 1 (806389)—Remove line(s) 150-160 and insert: *discretion of the county. Any funds allocated for homeownership assistance or rental housing units that are not committed at the end of the fiscal year shall be reallocated in subsequent years consistent with the provisions of this subsection, in that no less than 35 percent shall be reallocated to provide homeownership assistance for low-income and moderate-income families, and no less than 35 percent shall be reallocated for construction, rehabilitation, and purchase of rental housing units. The remaining amount of uncommitted funds may be reallocated at the discretion of the county within any of the categories established in this subsection.*

House Amendment 2 (015873) (with title amendment)—Remove line(s) 295-296 and insert:

3. *When an ownership interest is transferred in a conduit entity that owns assets other than the real property*

And the title is amended as follows:

Remove line(s) 32-33 and insert: *of ownership interests in a conduit entity; providing for the tax to be prorated when the conduit entity owns assets*

House Amendment 3 (935155) (with directory and title amendments)—Remove line(s) 325-345 and insert:

Section 5. The amendment to subsection (1) of s.

And the directory clause is amended as follows:

Remove lines 256-257 and insert: *Statutes, is amended to read:*

And the title is amended as follows:

Remove line(s) 39-45 and insert: *document is recorded; authorizing the Department of Revenue to adopt*

House Amendment 4 (444921) (with title amendment)—Remove lines 394-727

And the title is amended as follows:

Remove line(s) 52-66 and insert: *requirements; providing for application of specified*

House Amendment 5 (873989) (with title amendment)—Between lines 393 and 394, insert:

Section 8. Section 201.15, Florida Statutes, as amended by section 1 of chapter 2009-17, Laws of Florida, is amended to read:

201.15 Distribution of taxes collected.—All taxes collected under this chapter are subject to the service charge imposed in s. 215.20(1). Prior to distribution under this section, the Department of Revenue shall deduct amounts necessary to pay the costs of the collection and enforcement of the tax levied by this chapter. Such costs and the service charge may not be levied against any portion of taxes pledged to debt service on bonds to the extent that the costs and service charge are required to pay any amounts relating to the bonds. *After distributions are made pursuant to subsection (1), all of the costs of the collection and enforcement of the tax levied by this chapter and the service charge shall be available and transferred to the extent necessary to pay debt service and any other amounts payable with respect to bonds authorized before July 1, 2009, secured by revenues distributed pursuant to subsection (1).* All taxes remaining after deduction of costs and the service charge shall be distributed as follows:

(1) Sixty-three and thirty-one hundredths percent of the remaining taxes collected under this chapter shall be used for the following purposes:

(a) Amounts necessary to pay the debt service on, or fund debt service reserve funds, rebate obligations, or other amounts payable with respect to Preservation 2000 bonds issued pursuant to s. 375.051 and Florida Forever bonds issued pursuant to s. 215.618, shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund to be used for such purposes. The amount transferred to the Land Acquisition Trust Fund may not exceed \$300 million in fiscal year 1999-2000 and thereafter for Preservation 2000 bonds and bonds issued to refund Preservation 2000 bonds, and \$300 million in fiscal year 2000-2001 and thereafter for Florida Forever bonds. The annual amount transferred to the Land Acquisition Trust Fund for Florida Forever bonds may not exceed \$30 million in the first fiscal year in which bonds are issued. The limitation on the amount transferred shall be increased by an additional \$30 million in each subsequent fiscal year, but may not exceed a total of \$300 million in any fiscal year for all bonds issued. It is the intent of the Legislature that all bonds issued to fund the Florida Forever Act be retired by December 31, 2040. Except for bonds issued to refund previously issued bonds, no series of bonds may be issued pursuant to this paragraph unless such bonds are approved and the debt service for the remainder of the fiscal year in which the bonds are issued is specifically appropriated in the General Appropriations Act. For purposes of refunding Preservation 2000 bonds, amounts designated within this section for Preservation 2000 and Florida Forever bonds may be transferred between the two programs to the extent provided for in the documents authorizing the issuance of the bonds. The Preservation 2000 bonds and Florida Forever bonds shall be equally and ratably secured by moneys distributable to the Land Acquisition Trust Fund pursuant to this section, except to the extent specifically provided otherwise by the documents authorizing the issuance of the bonds. No moneys transferred to the Land Acquisition Trust Fund pursuant to this paragraph, or earnings thereon, shall be used or made available to pay debt service on the Save Our Coast revenue bonds.

(b) Moneys shall be paid into the State Treasury to the credit of the Save Our Everglades Trust Fund in amounts necessary to pay debt service, provide reserves, and pay rebate obligations and other amounts due with respect to bonds issued under s. 215.619. Taxes distributed under paragraph (a) and this paragraph must be collectively distributed on a pro rata basis when the available moneys under this subsection are not sufficient to cover the amounts required under paragraph (a) and this paragraph.

(c) The remainder of the moneys distributed under this subsection, after the required payments under paragraphs (a) and (b), shall be paid into the State Treasury to the credit of:

1. The State Transportation Trust Fund in the Department of Transportation in the amount of the lesser of 38.2 percent of the remainder or \$541.75 million in each fiscal year, to be used for the following specified purposes, notwithstanding any other law to the contrary:

a. For the purposes of capital funding for the New Starts Transit Program, authorized by Title 49, U.S.C. s. 5309 and specified in s. 341.051, 10 percent of these funds;

b. For the purposes of the Small County Outreach Program specified in s. 339.2818, 5 percent of these funds;

c. For the purposes of the Strategic Intermodal System specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent of these funds after allocating for the New Starts Transit Program described in sub-subparagraph a. and the Small County Outreach Program described in sub-subparagraph b.; and

d. For the purposes of the Transportation Regional Incentive Program specified in s. 339.2819, 25 percent of these funds after allocating for the New Starts Transit Program described in sub-subparagraph a. and the Small County Outreach Program described in sub-subparagraph b.

2. The Water Protection and Sustainability Program Trust Fund in the Department of Environmental Protection in the amount of the lesser of 5.64 percent of the remainder or \$80 million in each fiscal year, to be used as required by s. 403.890.

3. The Grants and Donations Trust Fund in the Department of Community Affairs in the amount of the lesser of .23 percent of the remainder or \$3.25 million in each fiscal year, with 92 percent to be used to fund technical assistance to local governments and school boards on the requirements and implementation of this act and the remaining amount to be used to fund the Century Commission established in s. 163.3247.

4. The Ecosystem Management and Restoration Trust Fund in the amount of the lesser of 2.12 percent of the remainder or \$30 million in each fiscal year, to be used for the preservation and repair of the state's beaches as provided in ss. 161.091-161.212.

5. The Marine Resources Conservation Trust Fund in the amount of the lesser of .14 percent of the remainder or \$2 million in each fiscal year, to be used for marine mammal care as provided in s. 379.208(3).

6. General Inspection Trust Fund in the amount of the lesser of .02 percent of the remainder or \$300,000 in each fiscal year to be used to fund oyster management and restoration programs as provided in s. 379.362(3).

Moneys distributed pursuant to this paragraph may not be pledged for debt service unless such pledge is approved by referendum of the voters.

(d) The remainder of the moneys distributed under this subsection, after the required payments under paragraphs (a), (b), and (c), shall be paid into the State Treasury to the credit of the General Revenue Fund to be used and expended for the purposes for which the General Revenue Fund was created and exists by law.

(2) The lesser of 7.56 percent of the remaining taxes collected under this chapter or \$84.9 million in each fiscal year shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund. Sums deposited in the fund pursuant to this subsection may be used for any purpose for which funds deposited in the Land Acquisition Trust Fund may lawfully be used.

(3)(a) Through the 2008-2009 fiscal year, the lesser of 1.94 percent of the remaining taxes collected under this chapter or \$26 million in each fiscal year shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund.

(b) Beginning with the 2009-2010 fiscal year, the lesser of 1.94 percent of the remaining taxes collected under this chapter or \$26 million in each fiscal year shall be distributed in the following order:

1. Amounts necessary to pay debt service or to fund debt service reserve funds, rebate obligations, or other amounts payable with respect to bonds issued before February 1, 2009, pursuant to this subsection shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund.

2. Eleven million dollars shall be paid into the State Treasury to the credit of the General Revenue Fund.

3. The remainder shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund.

(c) Moneys deposited in the Land Acquisition Trust Fund pursuant to this subsection shall be used to acquire coastal lands or to pay debt service on bonds issued to acquire coastal lands and to develop and manage lands acquired with moneys from the trust fund.

(4) The lesser of 4.2 percent of the remaining taxes collected under this chapter or \$60.5 million in each fiscal year shall be paid into the State Treasury to the credit of the Water Management Lands Trust Fund. Sums deposited in that fund may be used for any purpose authorized in s. 373.59.

(5)(a) For the 2007-2008 fiscal year, 3.96 percent of the remaining taxes collected under this chapter shall be paid into the State Treasury to the credit of the Conservation and Recreation Lands Trust Fund to carry out the purposes set forth in s. 259.032. Ten and five-hundredths percent of the amount credited to the Conservation and Recreation Lands Trust Fund pursuant to this subsection shall be transferred to the State Game Trust Fund and used for land management activities.

(b) Beginning July 1, 2008, 3.52 percent of the remaining taxes collected under this chapter shall be paid into the State Treasury to the credit of the Conservation and Recreation Lands Trust Fund to carry out the purposes set forth in s. 259.032. Eleven and fifteen hundredths percent of the amount credited to the Conservation and Recreation Lands Trust Fund pursuant to this subsection shall be transferred to the State Game Trust Fund and used for land management activities.

(6) The lesser of 2.28 percent of the remaining taxes collected under this chapter or \$34.1 million in each fiscal year shall be paid into the State Treasury to the credit of the Invasive Plant Control Trust Fund to carry out the purposes set forth in ss. 369.22 and 369.252.

(7) The lesser of .5 percent of the remaining taxes collected under this chapter or \$9.3 million in each fiscal year shall be paid into the State Treasury to the credit of the State Game Trust Fund to be used exclusively for the purpose of implementing the Lake Restoration 2020 Program.

(8) One-half of one percent of the remaining taxes collected under this chapter shall be paid into the State Treasury and divided equally to the credit of the Department of Environmental Protection Water Quality Assurance Trust Fund to address water quality impacts associated with nonagricultural nonpoint sources and to the credit of the Department of Agriculture and Consumer Services General Inspection Trust Fund to address water quality impacts associated with agricultural nonpoint sources, respectively. These funds shall be used for research, development, demonstration, and implementation of suitable best management practices or other measures used to achieve water quality standards in surface waters and water segments identified pursuant to ss. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq. Implementation of best management practices and other measures may include cost-share grants, technical assistance, implementation tracking, and conservation leases or other agreements for water quality improvement. The Department of Environmental Protection and the Department of Agriculture and Consumer Services may adopt rules governing the distribution of funds for implementation of best management practices. The unobligated balance of funds received from the distribution of taxes collected under this chapter to address water quality impacts associated with nonagricultural nonpoint sources will be excluded when calculating the unobligated balance of the Water Quality Assurance Trust Fund as it relates to the determination of the applicable excise tax rate.

(9) The lesser of 7.53 percent of the remaining taxes collected under this chapter or \$107 million in each fiscal year shall be paid into the State Treasury to the credit of the State Housing Trust Fund and shall be used as follows:

(a) Half of that amount shall be used for the purposes for which the State Housing Trust Fund was created and exists by law.

(b) Half of that amount shall be paid into the State Treasury to the credit of the Local Government Housing Trust Fund and shall be used for the purposes for which the Local Government Housing Trust Fund was created and exists by law.

(10) The lesser of 8.66 percent of the remaining taxes collected under this chapter or \$136 million in each fiscal year shall be paid into the State Treasury to the credit of the State Housing Trust Fund and shall be used as follows:

(a) Twelve and one-half percent of that amount shall be deposited into the State Housing Trust Fund and be expended by the Department of Community Affairs and by the Florida Housing Finance Corporation for the purposes for which the State Housing Trust Fund was created and exists by law.

(b) Eighty-seven and one-half percent of that amount shall be distributed to the Local Government Housing Trust Fund and shall be used for the purposes for which the Local Government Housing Trust Fund was created and exists by law. Funds from this category may also be used to provide for state and local services to assist the homeless.

(11) The distribution of proceeds deposited into the Water Management Lands Trust Fund and the Conservation and Recreation Lands Trust Fund, pursuant to subsections (4) and (5), may not be used for land acquisition but may be used for preacquisition costs associated with land purchases. The Legislature intends that the Florida Forever program supplant the acquisition programs formerly authorized under ss. 259.032 and 373.59.

(12) Amounts distributed pursuant to subsections (5), (6), (7), and (8) are subject to the payment of debt service on outstanding Conservation and Recreation Lands revenue bonds.

(13) Beginning July 1, 2008, in each fiscal year that the remaining taxes collected under this chapter exceed collections in the prior fiscal year, the stated maximum dollar amounts provided in subsections (2), (4), (6), (7), (9), and (10) shall each be increased by an amount equal to 10 percent of the increase in the remaining taxes collected under this chapter multiplied by the applicable percentage provided in those subsections.

(14) If the payment requirements in any year for bonds outstanding on July 1, 2007, or bonds issued to refund such bonds, exceed the limitations of this section, distributions to the trust fund from which the bond payments are made shall be increased to the lesser of the amount needed to pay bond obligations or the limit of the applicable percentage distribution provided in subsections (1)-(10).

(15) Distributions to the State Housing Trust Fund pursuant to subsections (9) and (10) shall be sufficient to cover amounts required to be transferred to the Florida Affordable Housing Guarantee Program's annual debt service reserve and guarantee fund pursuant to s. 420.5092(6)(a) and (b) up to but not exceeding the amount required to be transferred to such reserve and fund based on the percentage distribution of documentary stamp tax revenues to the State Housing Trust Fund which is in effect in the 2004-2005 fiscal year.

(16) *If amounts necessary to pay debt service or any other amounts payable with respect to Preservation 2000 bonds, Florida Forever bonds, or Everglades Restoration bonds authorized before July 1, 2009, exceed the amounts distributable pursuant to subsection (1), all moneys distributable pursuant to this section are available for such obligations and transferred in the amounts necessary to pay such obligations when due. However, amounts distributable pursuant to subsection (2), subsection (3), subsection (4), subsection (5), paragraph (9)(a), or paragraph (10)(a) are not available to pay such obligations to the extent that such moneys are necessary to pay debt service on bonds secured by revenues pursuant to those provisions.*

(17) ~~(16)~~ The remaining taxes collected under this chapter, after the distributions provided in the preceding subsections, shall be paid into the State Treasury to the credit of the General Revenue Fund.

And the title is amended as follows:

Remove line 52 and insert: requirements; amending s. 201.15, F.S.; requiring certain costs to be available and transferred to the extent necessary to pay certain debt service and other amounts relating to certain bonds; providing for the availability of certain distributable moneys for certain obligations and transfer certain amounts to pay such obligations; providing exceptions;

On motion by Senator Lawson, the Senate concurred in the House Amendments.

CS for CS for CS for SB's 2430 and SB 1960 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

RECESS

The President declared the Senate in recess at 3:38 p.m. to reconvene at 4:08 p.m.

CALL TO ORDER

The Senate was called to order by President Atwater at 4:32 p.m. A quorum present—39:

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

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 CS for SB 2630, with amendment 1, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for CS for CS for SB 2630—A bill to be entitled An act relating to motor vehicle dealerships; amending s. 320.64, F.S.; revising provisions prohibiting certain acts by a motor vehicle manufacturer, factory branch, distributor, or importer licensed under specified provisions; revising conditions and procedures for certain audits; making rebuttable a presumption that a dealer had no actual knowledge and should not have known that a customer intended to export or resell a motor vehicle; clarifying a dealer's eligibility requirements for licensee-offered program bonuses, incentives, and other benefits; requiring certain payments if a termination, cancellation, or nonrenewal of a dealer's franchise is the result of cessation of manufacture or distribution of a line-make or a bankruptcy or reorganization; amending s. 320.642, F.S.; revising provisions for establishing an additional motor vehicle dealership in or relocating an existing dealer to a location within a community or territory

where the same line-make vehicle is presently represented by a franchised motor vehicle dealer or dealers; revising requirements for protests; revising provisions for denial of an application for a motor vehicle dealer license in any community or territory; revising provisions for evidence to be considered by the Department of Highway Safety and Motor Vehicles when evaluating the application; revising provisions under which a dealer has standing to protest a proposed additional or relocated motor vehicle dealer; amending s. 320.643, F.S.; revising provisions for a transfer, assignment, or sale of franchise agreements; prohibiting rejection of proposed transfer of interest in a motor vehicle dealer entity to a trust or other entity, or a beneficiary thereof, which is established for estate-planning purposes; prohibiting placing certain conditions on such transfer; revising provisions for a hearing by the department or a court relating to a proposed transfer; amending s. 320.696, F.S.; revising warranty responsibility provisions; providing for severability; amending s. 320.771, F.S.; conforming provisions relating to certificate of title requirements for recreational vehicle dealers; providing an effective date.

House Amendment 1 (752915) (with directory and title amendments)—Remove lines 415-436

And the directory clause is amended as follows:

Remove lines 380-381 and insert:

Section 2. Subsections (1) and (3) of section 320.642, Florida Statutes, are

And the title is amended as follows:

Remove lines 23-30 and insert: protests; amending s. 320.643,

On motion by Senator Haridopolos, the Senate concurred in the House amendment.

CS for CS for CS for SB 2630 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 1, concurred in the same as amended, and passed CS for CS for CS for HB 1495 as further amended, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for CS for CS for HB 1495—A bill to be entitled An act relating to property and casualty insurance; amending s. 215.47, F.S.; authorizing the State Board of Administration to invest in certain revenue bonds under certain circumstances; amending s. 215.555, F.S., relating to the Florida Hurricane Catastrophe Fund; revising the dates of an insurer's contract year for purposes of calculating the insurer's retention; revising reimbursement contract coverage payment provisions; extending application of provisions relating to reimbursement contracts; revising the dates on which the State Board of Administration is required to publish a statement of the estimated borrowing capacity of the Florida Hurri-

cane Catastrophe Fund; requiring the board to publish a statement of the estimated claims-paying capacity of the Florida Hurricane Catastrophe Fund; requiring a reimbursement premium formula to provide cash build-up factors for certain contract years; extending provisions relating to temporary increase in coverage limit operations for the fund; providing additional reimbursement requirements for temporary increase in coverage addenda for additional contract years; expanding the powers and duties of the board; specifying required increases in TICL reimbursement premiums for certain contract years; specifying non-application of cash build-up factors to TICL reimbursement premiums; deleting authority for the State Board of Administration to increase the claims-paying capacity of the fund; amending s. 215.5586, F.S., relating to the My Safe Florida Home Program; revising legislative intent; revising criteria for hurricane mitigation inspections; revising criteria for eligibility for a mitigation grant; expanding the list of improvements for which grants may be used; deleting provisions relating to no-interest loans; requiring that contracts valued at or greater than a specified amount be subject to review and approval by the Legislative Budget Commission; requiring the Department of Financial Services to implement a condominium weatherization and mitigation loan program for certain purposes; specifying program requirements; specifying an administration requirement for the program; requiring the department to adopt rules; amending s. 624.4622, F.S.; prohibiting withdrawal notice requirements of longer than 30 days for members of a local government self-insurance fund; requiring local government self-insurance funds to submit an affidavit to specified entities; specifying affidavit contents; amending s. 624.605, F.S.; revising the definition of the term "casualty insurance" to include certain debt cancellation products sold or leased by certain business entities; amending s.626.753, F.S.; prohibiting certain uses of commissions derived from the sale of crop hail or multiple-peril crop insurance which are shared between certain agents and certain production credit associations or federal land bank associations; providing penalties; providing that patronage dividends and other payments to members of production credit associations or federal land bank associations are unlawful rebates under certain circumstances; providing penalties for an agent who shares commissions with a production credit association or federal land bank association under certain circumstances; amending s. 626.9541, F.S.; specifying that certain patronage dividends and other payments are unfair methods of competition and unfair or deceptive acts; providing penalties; amending s. 627.062, F.S.; extending application of file and use filing requirements for certain property insurance filings; prohibiting the Office of Insurance Regulation from interfering with an insurer's right to solicit, sell, promote, or otherwise acquire policyholders and implement coverage; specifying limited application to certain rates; specifying that certain rate filings are not subject to office determination as excessive or unfairly discriminatory; providing limitations; providing a definition; prohibiting certain rate filings under certain circumstances; preserving the office's authority to disapprove certain rate filings under certain circumstances; providing procedures for insurers submitting certain rate filings; specifying nonapplication to certain types of insurance; amending s. 627.0621, F.S.; deleting a limitation on the application of the attorney-client privilege and work product doctrine in challenges to actions by the office relating to rate filings; amending s. 627.0628, F.S.; requiring the Florida Commission on Hurricane Loss Projection Methodology to hold public meetings for purposes of implementing certain windstorm mitigation discounts, credits, other rate differentials, and deductible reductions; requiring a report to the Governor, Cabinet, and Legislature; amending s. 627.0629, F.S.; requiring certain hurricane mitigation measure discounts, credits, and rate differentials to supersede certain other discounts, credits, and rate differentials; authorizing residential property insurers to include reinsurance costs without certain TICL adjustments; amending s. 627.0655, F.S.; discontinuing authorization for a premium discount for a policyholder having multiple policies from Citizens Property Insurance Corporation or a policy that has been removed from the corporation by another insurer; amending s. 627.351, F.S.; deleting application of certain personal lines residential property insurance requirements for wind-borne debris regions insured by the corporation; revising the basis of a surcharge to offset an account deficit; providing for members of the board of governors of the corporation to serve staggered terms; providing exceptions to actuarially sound rate requirements for the corporation; providing legislative findings; requiring the corporation to implement certain actuarially sound rates for certain lines of business; providing limitations; providing for cessation of certain rate increases upon implementation of actuarially sound rates; requiring the corporation to transfer certain funds from the rate increase to the Insurance Regulatory Trust Fund in the Department of Financial Services for a certain time; deleting certain wind-only coverage maximum loss

reporting requirements; amending s. 627.711, F.S.; revising eligible entities authorized to certify uniform mitigation inspection forms; authorizing insurers to contract with inspection firms to review certain verification forms and reinspect properties for certain purposes; providing for such contracts to be at the insurer's expense; providing a criminal penalty for knowingly submitting a false or fraudulent mitigation form with the intent to receive an undeserved discount; amending s. 627.712, F.S.; providing an additional exception to residential property insurance windstorm coverage requirements for certain risks; expanding a requirement that insurers notify mortgageholders or lienholders of policyholder elections for coverage not covering wind; amending s. 631.65, F.S.; providing construction relating to certain prohibited advertisements or solicitations; requiring the My Safe Florida Home Program to use certain funds for certain mitigation grants; authorizing the department to establish a separate account in the trust fund for accounting purposes; amending s. 626.854, F.S.; prohibiting public adjusters from compensating, or agreeing to compensate, any person for referrals of business; providing an exception; amending s. 626.865, F.S.; revising qualifications for public adjuster's license; deleting requirement that applicant for public adjuster's license pass a written examination; amending s. 626.8651, F.S.; revising qualifications for public adjuster apprentice license; requiring that applicant for public adjuster apprentice license pass a written examination, complete certain training, and receive a specified designation; limiting the number of public adjuster apprentices that may be appointed by a public adjusting firm or supervised by a supervising public adjuster; amending s. 627.7011, F.S.; specifying that provisions regulating homeowners' policies do not prohibit insurers from repairing damaged property; providing an effective date.

House Amendment 2 (257873) (with title amendment) to Senate Amendment 1—Remove lines 5-2187 and insert:

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

215.555 Florida Hurricane Catastrophe Fund.—

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

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

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

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

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

4. For insurers who experience multiple covered events causing loss during the contract year, beginning June 1, 2005, each insurer's full retention shall be applied to each of the covered events causing the two largest losses for that insurer. For each other covered event resulting in losses, the insurer's retention shall be reduced to one-third of the full

retention. The reimbursement contract shall provide for the reimbursement of losses for each covered event based on the full retention with adjustments made to reflect the reduced retentions *on or after* January 1 of the contract year provided the insurer reports its losses as specified in the reimbursement contract.

(4) REIMBURSEMENT CONTRACTS.—

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

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

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

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

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

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

premiums or interest attributable to optional coverage, as defined by rule which occurred over the prior calendar year.

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

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

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

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

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

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

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

b. The entity's share of the actual reimbursement premium paid for that contract year, multiplied by the currently available liquid assets of the fund. In order for the entity to qualify for an advance under this subparagraph, the entity must demonstrate to the board that the advance is essential to allow the entity to pay claims for a covered event and the board must determine that the fund's assets are sufficient and are sufficiently liquid to allow the board to make an advance to the entity and still fulfill the board's reimbursement obligations to other insurers. The entity's final reimbursement for any contract year in which an ad-

vance has been made under this subparagraph must be reduced by an amount equal to the amount of the advance and any interest on such advance. In order to determine what amounts, if any, are due the entity, the board may require the entity to report its exposure and its losses at any time to determine retention levels and reimbursements payable.

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

(f) In order to ensure that insurers have properly reported the insured values on which the reimbursement premium is based and to ensure that insurers have properly reported the losses for which reimbursements have been made, the board shall inspect, examine, and verify the records of each insurer's covered policies at such times as the board deems appropriate and according to standards established by rule for the specific purpose of validating the accuracy of exposures and losses required to be reported under the terms and conditions of the reimbursement contract. The costs of the examinations shall be borne by the board. However, in order to remove any incentive for an insurer to delay preparations for an examination, the board shall be reimbursed by the insurer for any examination expenses incurred in addition to the usual and customary costs of the examination, which additional expenses were incurred as a result of an insurer's failure, despite proper notice, to be prepared for the examination or as a result of an insurer's failure to provide requested information while the examination is in progress. If the board finds any insurer's records or other necessary information to be inadequate or inadequately posted, recorded, or maintained, the board may employ experts to reconstruct, rewrite, record, post, or maintain such records or information, at the expense of the insurer being examined, if such insurer has failed to maintain, complete, or correct such records or deficiencies after the board has given the insurer notice and a reasonable opportunity to do so. Any information contained in an examination report, which information is described in s. 215.557, is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, as provided in s. 215.557. Nothing in this paragraph expands the exemption in s. 215.557.

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

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

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

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

(5) REIMBURSEMENT PREMIUMS.—

(b) The State Board of Administration shall select an independent consultant to develop a formula for determining the actuarially indicated

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

(7) ADDITIONAL POWERS AND DUTIES.—

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

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

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

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

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

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

(17) TEMPORARY INCREASE IN COVERAGE LIMIT OPTIONS.—

(a) Findings and intent.—

1. The Legislature finds that:

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

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

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

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

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

(c) Optional coverage.—For the contract year commencing June 1, 2007, and ending May 31, 2008, the contract year commencing June 1, 2008, and ending May 31, 2009, ~~and~~ the contract year commencing June 1, 2009, and ending May 31, 2010, *the contract year commencing June 1, 2010, and ending December 31, 2010, the contract year commencing January 1, 2011, and ending December 31, 2011, the contract year commencing January 1, 2012, and ending December 31, 2012, and the contract year commencing January 1, 2013, and ending December 31, 2013,* the board shall offer, for each of such years, the optional coverage as provided in this subsection.

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

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

a. The board shall calculate and report to each TICL insurer the TICL coverage multiples based on 12 options for increasing the insurer's FHCF coverage limit. Each TICL coverage multiple shall be calculated by dividing \$1 billion, \$2 billion, \$3 billion, \$4 billion, \$5 billion, \$6 billion, \$7 billion, \$8 billion, \$9 billion, \$10 billion, \$11 billion, or \$12 billion by the total estimated aggregate FHCF reimbursement pre-

miums for the 2007-2008 contract year, and the 2008-2009 contract year, ~~and the 2009-2010 contract year.~~

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

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

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

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

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

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

10. "TICL options addendum" means an addendum to the reimbursement contract reflecting the obligations of the fund and insurers selecting an option to increase an insurer's FHCF coverage limit.

(e) TICL options addendum.—

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

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

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

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

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

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

~~(h) Increasing the claims paying capacity of the fund.—For the contract years commencing June 1, 2007, June 1, 2008, and June 1, 2009, the board may increase the claims paying capacity of the fund as provided in paragraph (g) by an amount not to exceed \$4 billion in four \$1 billion options and shall depend on the TICL coverage options selected and the number of insurers that select the TICL optional coverage. Each insurer's TICL premium shall be calculated based upon the additional limit of increased coverage that the insurer selects. Such limit is determined by multiplying the TICL multiple associated with one of the four options times the insurer's FHCF reimbursement premium. The reimbursement premium associated with the additional coverage provided in this paragraph shall be determined as specified in subsection (5).~~

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

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

(1) HURRICANE MITIGATION INSPECTIONS.—

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

1. A home inspection and report that summarizes the results and identifies recommended improvements a homeowner may take to mitigate hurricane damage.

2. A range of cost estimates regarding the recommended mitigation improvements.

3. Insurer-specific information regarding premium discounts correlated to the current mitigation features and the recommended mitigation improvements identified by the inspection.

4. A hurricane resistance rating scale specifying the home's current as well as projected wind resistance capabilities. As soon as practical, the rating scale must be the uniform home grading scale adopted by the Financial Services Commission pursuant to s. 215.55865.

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

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

2. Use hurricane mitigation inspectors who also:
 - a. Have undergone drug testing and level 2 background checks pursuant to s. 435.04. The department may conduct criminal record checks of inspectors used by wind certification entities. Inspectors must submit a set of the fingerprints to the department for state and national criminal history checks and must pay the fingerprint processing fee set forth in s. 624.501. The fingerprints shall be sent by the department to the Department of Law Enforcement and forwarded to the Federal Bureau of Investigation for processing. The results shall be returned to the department for screening. The fingerprints shall be taken by a law enforcement agency, designated examination center, or other department-approved entity; and
 - b. Have been certified, in a manner satisfactory to the department, to conduct the inspections.
 3. Provide a quality assurance program including a reinspection component.

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

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

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

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

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

1. *The homeowner must have been granted a homestead exemption on the home under chapter 196.*
2. *The home must be a dwelling with an insured value of \$300,000 or less. Homeowners who are low-income persons, as defined in s. 420.0004(10), are exempt from this requirement.*

3. *The home must have undergone an acceptable hurricane mitigation inspection after May 1, 2007.*

4. *The home must be located in the "wind-borne debris region" as that term is defined in s. 1609.2, International Building Code (2006), or as subsequently amended.*

5. ~~Be a home for which~~ *The building permit application for initial construction of the home must have been ~~was~~ made before March 1, 2002.*

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

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

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

(d) Matching fund grants shall also be made available to local governments and nonprofit entities for projects that will reduce hurricane damage to single-family, site-built, owner-occupied, residential property. The department shall liberally construe those requirements in favor of availing the state of the opportunity to leverage funding for the My Safe Florida Home Program with other sources of funding.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(8) NO INTEREST LOANS.—The department shall implement a no-interest loan program by October 1, 2008, contingent upon the selection~~

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

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

~~(9) (10) CONTRACT MANAGEMENT.—~~The department may contract with third parties for grants management, inspection services, contractor services for low-income homeowners, information technology, educational outreach, and auditing services. Such contracts shall be considered direct costs of the program and shall not be subject to administrative cost limits, but contracts valued at \$1 million ~~\$500,000~~ or more shall be subject to review and approval by the Legislative Budget Commission. The department shall contract with providers that have a demonstrated record of successful business operations in areas directly related to the services to be provided and shall ensure the highest accountability for use of state funds, consistent with this section.

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

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

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

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

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

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

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

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

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

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

626.865 Public adjuster's qualifications, bond.—

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

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

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

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

626.8651 Public adjuster apprentice license; qualifications.—

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

- (a) A natural person at least 18 years of age.
- (b) A United States citizen or legal alien who possesses work authorization from the United States Bureau of Citizenship and Immigration Services and is a resident of this state.

(c) Trustworthy and has such business reputation as would reasonably ensure that the applicant will conduct business as a public adjuster apprentice fairly and in good faith and without detriment to the public.

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

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

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

(5) At the time of application for license as a public adjuster apprentice, the applicant shall file with the department a bond executed and issued by a surety insurer authorized to transact such business in this state in the amount of \$50,000, conditioned upon the faithful performance of his or her duties as a public adjuster apprentice under the license for which the applicant has applied, and thereafter maintain the bond unimpaired throughout the existence of the license and for at least 1 year after termination of the license. The bond shall be in favor of the department and shall specifically authorize recovery by the department of the damages sustained in case the licensee commits fraud or unfair

practices in connection with his or her business as a public adjuster apprentice. The aggregate liability of the surety for all such damages may not exceed the amount of the bond, and the bond may not be terminated by the issuing insurer unless written notice of at least 30 days is given to the licensee and filed with the department.

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

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

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

(9) ~~(7)~~ After completing the requirements for employment as a public adjuster apprentice, the licensee may file an application for a public adjuster license. The applicant and supervising public adjuster or public adjusting firm must each file a sworn affidavit, on a form prescribed by the department, verifying that the employment of the public adjuster apprentice meets the requirements of this section.

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

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

Section 7. Paragraph (a) of subsection (2) and subsection (5) of section 627.062, Florida Statutes, are amended, and paragraph (k) is added to subsection (2) of that section, to read:

627.062 Rate standards.—

(2) As to all such classes of insurance:

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

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

office does not issue a notice of intent to approve or a notice of intent to disapprove within 90 days after receipt of the filing.

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

3. For all property insurance filings made or submitted after January 25, 2007, but before December 31, 2010 ~~2009~~, an insurer seeking a rate that is greater than the rate most recently approved by the office shall make a “file and use” filing. For purposes of this subparagraph, motor vehicle collision and comprehensive coverages are not considered to be property coverages.

(k)1. An insurer may make a separate filing limited solely to an adjustment of its rates for reinsurance or financing costs incurred in the purchase of reinsurance or financing products to replace or finance the payment of the amount covered by the Temporary Increase in Coverage Limits (TICL) portion of the Florida Hurricane Catastrophe Fund including replacement reinsurance for the TICL reductions made pursuant to s. 215.555(17)(e); the actual cost paid due to the application of the TICL premium factor pursuant to s. 215.555 (17)(f); and the actual cost paid due to the application of the cash build-up factor pursuant to s. 215.555(5)(b) if the insurer:

a. *Elects to purchase financing products such as a liquidity instrument or line of credit, in which case the cost included in the filing for the liquidity instrument or line of credit may not result in a premium increase exceeding 3 percent for any individual policyholder. All costs contained in the filing may not result in an overall premium increase of more than 10 percent for any individual policyholder.*

b. *Includes in the filing a copy of all of its reinsurance, liquidity instrument, or line of credit contracts; proof of the billing or payment for the contracts; and the calculation upon which the proposed rate change is based demonstrates that the costs meet the criteria of this section and are not loaded for expenses or profit for the insurer making the filing.*

c. *Includes no other changes to its rates in the filing.*

d. *Has not implemented a rate increase within the 6 months immediately preceding the filing.*

e. *Does not file for a rate increase under any other paragraph within 6 months after making a filing under this paragraph.*

f. *That purchases reinsurance or financing products from an affiliated company in compliance with this paragraph does so only if the costs for such reinsurance or financing products are charged at or below charges made for comparable coverage by nonaffiliated reinsurers or financial entities making such coverage or financing products available in this state.*

2. *An insurer may only make one filing in any 12-month period under this paragraph.*

3. *An insurer that elects to implement a rate change under this paragraph must file its rate filing with the office at least 45 days before the effective date of the rate change. After an insurer submits a complete filing that meets all of the requirements of this paragraph, the office has 45 days after the date of the filing to review the rate filing and determine if the rate is excessive, inadequate, or unfairly discriminatory.*

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

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

imbursement premium and any over-recoupment shall be subtracted from the following year’s reimbursement premium.

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

627.0621 Transparency in rate regulation.—

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

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

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

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

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

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

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

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

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

~~(b) All assumptions made by the office’s actuaries.~~

~~(c) A statement describing any assumptions or methods that deviate from the actuarial standards of practice of the Casualty Actuarial Society or the American Academy of Actuaries, including an explanation of the nature, rationale, and effect of the deviation.~~

~~(d) All recommendations made by any office actuary who reviewed the rate filing.~~

~~(e) Certification by the office’s actuary that, based on the actuary’s knowledge, his or her recommendations are consistent with accepted actuarial principles.~~

~~(f) The overall rate change approved by the office.~~

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

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

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

Section 9. Paragraph (b) of subsection (1) and subsection (5) of section 627.0629, Florida Statutes, are amended to read:

627.0629 Residential property insurance; rate filings.—

(1)

(b) By February 1, 2011, the Office of Insurance Regulation, in consultation with the Department of Financial Services and the Department of Community Affairs, shall develop and make publicly available a proposed method for insurers to establish discounts, credits, or other rate differentials for hurricane mitigation measures which directly correlate to the numerical rating assigned to a structure pursuant to the uniform home grading scale adopted by the Financial Services Commission pursuant to s. 215.55865, including any proposed changes to the uniform home grading scale. By October 1, 2011, the commission shall adopt rules requiring insurers to make rate filings for residential property insurance which revise insurers' discounts, credits, or other rate differentials for hurricane mitigation measures so that such rate differentials correlate directly to the uniform home grading scale. The rules may include such changes to the uniform home grading scale as the commission determines are necessary, and may specify the minimum required discounts, credits, or other rate differentials. Such rate differentials must be consistent with generally accepted actuarial principles and wind-loss mitigation studies. The rules shall allow a period of at least 2 years after the effective date of the revised mitigation discounts, credits, or other rate differentials for a property owner to obtain an inspection or otherwise qualify for the revised credit, during which time the insurer shall continue to apply the mitigation credit that was applied immediately prior to the effective date of the revised credit. *Discounts, credits, and other rate differentials established for rate filings under this paragraph shall supersede, after adoption, the discounts, credits, and other rate differentials included in rate filings under paragraph (a).*

(5) In order to provide an appropriate transition period, an insurer may, in its sole discretion, implement an approved rate filing for residential property insurance over a period of years. An insurer electing to phase in its rate filing must provide an informational notice to the office setting out its schedule for implementation of the phased-in rate filing. *An insurer may include in its rate the actual cost of private market reinsurance that corresponds to available coverage of the Temporary Increase in Coverage Limits, TICL, from the Florida Hurricane Catastrophe Fund. The insurer may also include the cost of reinsurance to replace the TICL reduction implemented pursuant to s. 215.555(17)(d)9. However, this cost for reinsurance may not include any expense or profit load or result in a total annual base rate increase in excess of 10 percent.*

Section 10. Paragraphs (a), (c), (m), and (x) of subsection (6) of section 627.351, Florida Statutes, are amended to read:

627.351 Insurance risk apportionment plans.—

(6) CITIZENS PROPERTY INSURANCE CORPORATION.—

(a)1. It is the public purpose of this subsection to ensure the existence of an orderly market for property insurance for Floridians and Florida businesses. The Legislature finds that private insurers are unwilling or unable to provide affordable property insurance coverage in this state to the extent sought and needed. The absence of affordable property insurance threatens the public health, safety, and welfare and likewise threatens the economic health of the state. The state therefore has a compelling public interest and a public purpose to assist in assuring that property in the state is insured and that it is insured at affordable rates so as to facilitate the remediation, reconstruction, and replacement of damaged or destroyed property in order to reduce or avoid the negative effects otherwise resulting to the public health, safety, and welfare, to the economy of the state, and to the revenues of the state and local governments which are needed to provide for the public welfare. It is necessary, therefore, to provide affordable property insurance to applicants who are in good faith entitled to procure insurance through the voluntary market but are unable to do so. The Legislature intends by this subsection that affordable property insurance be provided and that it continue to be provided, as long as necessary, through Citizens Property Insurance Corporation, a government entity that is an integral part of the state, and that is not a private insurance company. To that end, Citizens Property Insurance Corporation shall strive to increase the availability of affordable property insurance in this state, while achieving efficiencies and economies, and while providing service to policyholders, applicants, and agents which is no less than the quality generally provided in the voluntary market, for the achievement of the foregoing public purposes. Because it is essential for this government entity to have the maximum financial resources to

pay claims following a catastrophic hurricane, it is the intent of the Legislature that Citizens Property Insurance Corporation continue to be an integral part of the state and that the income of the corporation be exempt from federal income taxation and that interest on the debt obligations issued by the corporation be exempt from federal income taxation.

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

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

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

5. Effective January 1, 2009, a personal lines residential structure that is located in the "wind-borne debris region," as defined in s. 1609.2, International Building Code (2006), and that has an insured value on the structure of \$750,000 or more is not eligible for coverage by the corporation unless the structure has opening protections as required under the Florida Building Code for a newly constructed residential structure in that area. A residential structure shall be deemed to comply with the requirements of this subparagraph if it has shutters or opening protections on all openings and if such opening protections complied with the Florida Building Code at the time they were installed. ~~Effective January 1, 2010, for personal lines residential property insured by the corporation that is located in the wind-borne debris region and has an insured value on the structure of \$500,000 or more, a prospective purchaser of any such residential property must be provided by the seller a written disclosure that contains the structure's windstorm mitigation rating based on the uniform home grading scale adopted under s. 215.55865. Such rating shall be provided to the purchaser at or before the time the purchaser executes a contract for sale and purchase.~~

(c) The plan of operation of the corporation:

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

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

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

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

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

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

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

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

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

(II) "Eligible risks" means personal lines residential and commercial lines residential risks that meet the underwriting criteria of the corporation and are located in areas that were eligible for coverage by the Florida Windstorm Underwriting Association on January 1, 2002.

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

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

d. Any quota share primary insurance agreement entered into between an authorized insurer and the corporation must provide for a

uniform specified percentage of coverage of hurricane losses, by county or territory as set forth by the corporation board, for all eligible risks of the authorized insurer covered under the quota share primary insurance agreement.

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

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

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

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

3. May provide that the corporation may employ or otherwise contract with individuals or other entities to provide administrative or professional services that may be appropriate to effectuate the plan. The corporation shall have the power to borrow funds, by issuing bonds or by incurring other indebtedness, and shall have other powers reasonably necessary to effectuate the requirements of this subsection, including, without limitation, the power to issue bonds and incur other indebtedness in order to refinance outstanding bonds or other indebtedness. The corporation may, but is not required to, seek judicial validation of its bonds or other indebtedness under chapter 75. The corporation may issue bonds or incur other indebtedness, or have bonds issued on its behalf by a unit of local government pursuant to subparagraph (p)2., in the absence of a hurricane or other weather-related event, upon a determination by the corporation, subject to approval by the office, that such action would enable it to efficiently meet the financial obligations of the corporation and that such financings are reasonably necessary to effectuate the requirements of this subsection. The corporation is authorized to take all actions needed to facilitate tax-free status for any such bonds or indebtedness, including formation of trusts or other affiliated entities. The corporation shall have the authority to pledge assessments, projected recoveries from the Florida Hurricane Catastrophe Fund, other reinsurance recoverables, market equalization and other surcharges, and other funds available to the corporation as security for bonds or other indebtedness. In recognition of s. 10, Art. I of the State Constitution, prohibiting the impairment of obligations of contracts, it is the intent of the Legislature that no action be taken whose purpose is to impair any bond indenture or financing agreement or any revenue source committed by contract to such bond or other indebtedness.

4.a. Must require that the corporation operate subject to the supervision and approval of a board of governors consisting of eight individuals who are residents of this state, from different geographical areas of this state. The Governor, the Chief Financial Officer, the President of the Senate, and the Speaker of the House of Representatives shall each appoint two members of the board. At least one of the two members appointed by each appointing officer must have demonstrated expertise in insurance. The Chief Financial Officer shall designate one of the appointees as chair. All board members serve at the pleasure of the

appointing officer. All members of the board of governors are subject to removal at will by the officers who appointed them. All board members, including the chair, must be appointed to serve for 3-year terms beginning annually on a date designated by the plan. *However, for the first term beginning on or after July 1, 2009, each appointing officer shall appoint one member of the board for a 2-year term and one member for a 3-year term.* Any board vacancy shall be filled for the unexpired term by the appointing officer. The Chief Financial Officer shall appoint a technical advisory group to provide information and advice to the board of governors in connection with the board's duties under this subsection. The executive director and senior managers of the corporation shall be engaged by the board and serve at the pleasure of the board. Any executive director appointed on or after July 1, 2006, is subject to confirmation by the Senate. The executive director is responsible for employing other staff as the corporation may require, subject to review and concurrence by the board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9. Must provide that the corporation shall make its best efforts to procure catastrophe reinsurance at reasonable rates, to cover its projected 100-year probable maximum loss as determined by the board of governors.

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

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

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

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

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

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

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

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

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

(m)1. Rates for coverage provided by the corporation shall be actuarially sound and subject to the requirements of s. 627.062, except as otherwise provided in this paragraph. The corporation shall file its recommended rates with the office at least annually. The corporation shall provide any additional information regarding the rates which the office requires. The office shall consider the recommendations of the board and issue a final order establishing the rates for the corporation within 45 days after the recommended rates are filed. The corporation may not pursue an administrative challenge or judicial review of the final order of the office.

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

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

allow the corporation to adopt rates lower than the rates otherwise required or allowed by this paragraph.

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

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

6. Beginning on or after January 1, 2010, and notwithstanding the board's recommended rates and the office's final order regarding the corporation's filed rates under subparagraph 1., the corporation shall implement a rate increase each year which does not exceed 10 percent for any single policy issued by the corporation, excluding coverage changes and surcharges.

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

8. The corporation's implementation of rates as prescribed in subparagraph 6. shall cease for any line of business written by the corporation upon the corporation's implementation of actuarially sound rates. Thereafter, the corporation shall annually make a recommended actuarially sound rate filing for each commercial and personal line of business the corporation writes.

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

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

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

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

Section 11. Section 627.3512, Florida Statutes, is amended to read:

627.3512 Recoupment of residual market deficit assessments.—

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

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

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

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

(5) *No later than 90 days after the insurer or insurer group has completed the recoupment process, it shall file with the office a final accounting report documenting the recoupment. The report shall provide the amounts of assessments paid by the insurer or insurer group, the amounts and percentages recouped by year from each affected line of business, and the direct written premium subject to recoupment by year.*

(6) ~~(4)~~ *The commission may adopt rules to implement this section.*

Section 12. Subsection (2) of section 627.711, Florida Statutes, is amended, and subsection (3) is added to that section, to read:

627.711 Notice of premium discounts for hurricane loss mitigation; uniform mitigation verification inspection form.—

(2) By July 1, 2007, the Financial Services Commission shall develop by rule a uniform mitigation verification inspection form that shall be used by all insurers when submitted by policyholders for the purpose of factoring discounts for wind insurance. In developing the form, the commission shall seek input from insurance, construction, and building

code representatives. Further, the commission shall provide guidance as to the length of time the inspection results are valid. An insurer shall accept as valid a uniform mitigation verification form certified by the Department of Financial Services or signed by:

(a) A hurricane mitigation inspector ~~certified employed by the an approved My Safe Florida Home program wind certification entity;~~

(b) A building code inspector certified under s. 468.607;

(c) A general, *building*, or residential contractor licensed under s. 489.111;

(d) A professional engineer licensed under s. 471.015 who has passed the appropriate equivalency test of the Building Code Training Program as required by s. 553.841; ~~or~~

(e) A professional architect licensed under s. 481.213; ~~or~~

(f) *Any other individual or entity recognized by the insurer as possessing the necessary qualifications to properly complete a uniform mitigation verification form.*

(3) *An individual or entity who knowingly provides or utters a false or fraudulent mitigation verification form with the intent to obtain or receive a discount on an insurance premium to which the individual or entity is not entitled commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.*

Section 13. Subsections (1) and (2) of section 627.712, Florida Statutes, are amended to read:

627.712 Residential windstorm coverage required; availability of exclusions for windstorm or contents.—

(1) An insurer issuing a residential property insurance policy must provide windstorm coverage. Except as provided in paragraph (2)(c), this section does not apply with respect to risks that are eligible for wind-only coverage from Citizens Property Insurance Corporation under s. 627.351(6), and with respect to risks that are not eligible for coverage from Citizens Property Insurance Corporation under s. 627.351(6)(a)3. or s. 627.351(6)(a)5. A risk ineligible for Citizens coverage under s. 627.351(6)(a)3. or s. 627.351(6)(a)5. is exempt from the requirements of this section only if the risk is located within the boundaries of the high-risk account of the corporation.

(2) A property insurer must make available, at the option of the policyholder, an exclusion of windstorm coverage.

(a) The coverage may be excluded only if:

1. When the policyholder is a natural person, the policyholder personally writes and provides to the insurer the following statement in his or her own handwriting and signs his or her name, which must also be signed by every other named insured on the policy, and dated: "I do not want the insurance on my (home/mobile home/condominium unit) to pay for damage from windstorms. I will pay those costs. My insurance will not."

2. When the policyholder is other than a natural person, the policyholder provides to the insurer on the policyholder's letterhead the following statement that must be signed by the policyholder's authorized representative and dated: "... (Name of entity) ... does not want the insurance on its ... (type of structure) ... to pay for damage from windstorms. ... (Name of entity) ... will be responsible for these costs. ... (Name of entity's) ... insurance will not."

(b) If the structure insured by the policy is subject to a mortgage or lien, the policyholder must provide the insurer with a written statement from the mortgageholder or lienholder indicating that the mortgageholder or lienholder approves the policyholder electing to exclude windstorm coverage or hurricane coverage from his or her or its property insurance policy.

(c) ~~If the residential structure is eligible for wind-only coverage from Citizens Property Insurance Corporation, An insurer nonrenewing a policy and issuing a replacement policy, or issuing a new policy, that does not provide wind coverage shall provide a notice to the mortgageholder or lienholder indicating the policyholder has elected coverage that does not cover wind.~~

Section 14. Section 631.65, Florida Statutes, is amended to read:

631.65 Prohibited advertisement or solicitation.—No person shall make, publish, disseminate, circulate, or place before the public, or cause, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in a newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter, or poster, or over any radio station or television station, or in any other way, any advertisement, announcement, or statement which uses the existence of the insurance guaranty association for the purpose of sales, solicitation, or inducement to purchase any form of insurance covered under this part. *However, this section does not prohibit a duly licensed insurance agent from explaining the existence or function of the insurance guaranty association to policyholders, prospects, or applicants for coverage.*

Section 15. *By February 1, 2010, the Office of Program Policy Analysis and Government Accountability shall submit a report to the Speaker of the House of Representatives, the President of the Senate, the Commissioner of Insurance, the Chief Financial Officer, and the Governor reviewing the laws governing public adjusters as defined in s. 626.854, Florida Statutes. The report shall include a review of relevant Citizens Property Insurance Corporation claims and statistics involving public adjusters, public adjuster claims submission practices, and a review of the laws of this state and rules governing public adjusters. The report shall also review state laws governing public adjusters throughout the United States. The review shall encompass a review of both catastrophe and noncatastrophe related claims, with a specific focus on new and supplemental or reopened catastrophe claims originated in 2009 which relate to hurricanes that occurred in 2004 and 2005. The study shall review the effects on consumers of the laws of this state relating to public adjusters.*

Section 16. Subsection (4) is added to section 627.0628, Florida Statutes, to read:

627.0628 Florida Commission on Hurricane Loss Projection Methodology; public records exemption; public meetings exemption.—

(4) *Review of discounts, credits, other rate differentials, and reductions in deductibles relating to windstorm mitigation.—The commission shall hold public meetings for the purpose of receiving testimony and data regarding the implementation of windstorm mitigation discounts, credits, other rate differentials, and appropriate reductions in deductibles pursuant to s. 627.0629. After reviewing the testimony and data as well as any other information the commission deems appropriate, the commission shall present a report by February 1, 2010, to the Governor, the Cabinet, the President of the Senate, and the Speaker of the House of Representatives, including recommendations on improving the process of assessing, determining, and applying windstorm mitigation discounts, credits, other rate differentials, and appropriate reductions in deductibles pursuant to s. 627.0629.*

Section 17. Subsection (7) is added to section 624.46226, Florida Statutes, to read:

624.46226 Public housing authorities self-insurance funds; exemption for taxation and assessments.—

(7) *Reinsurance companies complying with s. 624.610 may issue coverage directly to a public housing authority self-insuring its liabilities under this section. A public housing authority purchasing reinsurance shall be considered an insurer for the sole purpose of entering into such reinsurance contracts. Contracts of reinsurance issued to public housing authorities self-insuring under this section shall receive the same tax treatment as reinsurance contracts issued to insurance companies. However, the purchase of reinsurance coverage by a public housing authority self-insuring under this section shall not be construed as authorization to otherwise act as an insurer.*

Section 18. This act shall take effect upon becoming a law.

And the title is amended as follows:

Remove lines 2194-2334 and insert: An act relating to property insurance; amending s. 215.555, F.S.; revising the dates of an insurer's contract year for purposes of calculating the insurer's retention; requiring the State Board of Administration to offer an additional amount of reimbursement coverage to certain insurers that purchased coverage

during a certain calendar year; requiring an insurer that purchases certain coverage to retain an amount equal to a percentage of the insurer's surplus on a certain date; providing that an insurer's retention will apply along with a mandatory coverage after an optional coverage is exhausted; revising an expiration date on the requirement for the State Board of Administration to offer certain optional coverage to insurers; requiring the State Board of Administration to publish a statement of the estimated claims-paying capacity of the Hurricane Catastrophe Fund; authorizing the State Board of Administration to reimburse insurers based on a formula related to the claims-paying capacity of the Hurricane Catastrophe Fund; requiring the formula to determine an actuarially indicated premium to include specified cash build-up factors; authorizing the State Board of Administration to require insurers to notarize documents submitted to the board; authorizing insurers to purchase temporary increased coverage limit for certain future hurricane seasons; providing that a cash build-up factor does not apply to temporary increased coverage limit premiums; providing dates on which the claims-paying capacity of the fund will increase; deleting authority for the State Board of Administration to increase the claims-paying capacity of the Hurricane Catastrophe Fund; amending s. 215.5586, F.S.; revising legislative intent; revising criteria for hurricane mitigation inspections; revising criteria for eligibility for a mitigation grant; expanding the list of improvements for which grants may be used; correcting a reference to the Florida Division of Emergency Management; deleting provisions relating to no-interest loans; requiring that contracts valued at or greater than a specified amount be subject to review and approval of the Legislative Budget Commission; amending s. 626.854, F.S.; prohibiting a public adjuster from accepting referrals for compensation from a person with whom the public adjuster conducts business; prohibiting a public adjuster from compensating a person other than a public adjuster for referrals; amending s. 627.7011, F.S.; providing that an insurer may repair damaged property in compliance with its policy; amending s. 626.865, F.S.; deleting a requirement that an applicant for a license as a public adjuster pass a written examination as a prerequisite to licensure; amending s. 626.8651, F.S.; requiring an applicant for a public adjuster apprentice license to pass a written exam and receive an Accredited Claims Adjuster designation and related training before licensure; limiting the number of public adjuster apprentices that may be maintained by a single public adjusting firm or supervised by a public adjuster; amending s. 627.062, F.S.; extending the period for which an insurer seeking a residential property insurance rate that is greater than the rate most recently approved by the Office of Insurance Regulation must make a "file and use" filing; authorizing insurers to make separate filings for certain rate adjustments and costs; specifying limitations; providing procedural requirements; requiring the office to review the filing within a specified time for certain purposes; amending s. 627.0621, F.S.; requiring that the Office of Insurance Regulation provide certain information regarding any residential property rate filing on a publicly accessible Internet website; requiring that the office provide a means on its website for certain persons to submit e-mail regarding any rate filing; requiring that such e-mail be accessible by the actuary assigned to review the subject rate filing; deleting a limitation on the application of the attorney-client privilege and work product doctrine in challenges to actions by the Office of Insurance Regulation relating to rate filings; amending s. 627.0629, F.S.; requiring certain hurricane mitigation measure discounts, credits, and rate differentials to supersede certain other discounts, credits, and rate differentials; authorizing an insurer to include in its rates the actual cost of certain reinsurance; amending s. 627.351, F.S.; deleting a provision requiring a seller of certain residential property to disclose the structure's windstorm mitigation rating to the prospective purchaser of the property; providing for members of the board of governors of Citizens Property Insurance Corporation to serve staggered terms; requiring Citizen's Property Insurance Corporation to implement rate increases until the implementation of actuarially sound rates; revising the date after which the State Board of Administration is required to reduce the boundaries of high-risk areas eligible for wind-only coverages under certain circumstances; amending s. 627.3512, F.S.; providing legislative findings; providing for the recoupment of residual market assessments paid by insurers or insurer groups; limiting the amount of a recoupment factor; authorizing an insurer to apply recalculated recoupment factors to policies issued or renewed during specified periods under certain circumstances; requiring that insurers or insurer groups file a statement setting forth certain information; providing for the application of recoupment factors to certain policies upon issuance or renewal; requiring that insurers or insurer groups file a supplemental statement under certain circumstances; requiring that such entities file a final accounting report documenting certain information within a specified

period after the completion of the recoupment process; requiring that such report provide certain information; amending s. 627.711, F.S.; requiring that an insurer accept as valid a uniform mitigation verification form certified by the Department of Financial Services or signed by certain individuals or entities; providing a criminal penalty for knowingly submitting a false or fraudulent mitigation form with the intent to receive an undeserved discount; amending s. 627.712, F.S.; revising the properties for which an insurer must make policies available which exclude windstorm coverage; amending s. 631.65, F.S.; providing that an insurance agent is not prohibited from explaining the existence or function of the insurance guaranty association; requiring the Office of Program Policy Analysis and Government Accountability to submit a report to the Legislature, Commissioner of Insurance, Chief Financial Officer, and Governor reviewing laws governing public adjuster; specifying review requirements; amending s. 627.0628, F.S.; requiring the Florida Commission on Hurricane Loss Projection Methodology to hold public meetings for purposes of implementing certain windstorm mitigation discounts, credits, other rate differentials, and deductible reductions; requiring a report to the Governor, Cabinet, and Legislature; amending s. 624.46226, F.S.; authorizing reinsurance companies to issue coverage directly to certain public housing authorities under certain circumstances; specifying that a public housing authority is considered an insurer under certain circumstances; requiring that certain reinsurance contracts issued to public housing authorities receive the same tax treatment as contracts issued to insurance companies; providing construction; providing an effective date.

On motion by Senator Richter, the Senate concurred in the House amendment to the Senate amendment.

CS for CS for CS for HB 1495 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

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

Nays—6

Garcia	Justice	Storms
Gelber	Sobel	Villalobos

Vote after roll call:

Yea—Joyner

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 1, concurred in the same as amended, and passed HB 7157 as further amended, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

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 Conserva-

tion 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.

House Amendment 1 (068061) (with title amendment) to Senate Amendment 1—Remove line(s) 5-797 and insert:

Section 1. Section 196.26, Florida Statutes, is created to read:

196.26 Exemption for real property dedicated in perpetuity for conservation purposes.—

(1) *As used in this section:*

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

(b) *“Conservation easement” means the property right described in s. 704.06.*

(c) *“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.*

(d) *“Dedicated in perpetuity” means that the land is encumbered by an irrevocable, perpetual conservation easement.*

(2) *Land that is dedicated in perpetuity for conservation purposes and that is used exclusively for conservation purposes is exempt from ad valorem taxation. Such exclusive use does not preclude the receipt of income from activities that are consistent with a management plan when the income is used to implement, maintain, and manage the management plan.*

(3) *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.*

(4) *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 significant 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 areas;*

(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 management plan and a designated manager who will be responsible for implementing the management plan.

(5) *The conservation easement that serves as the basis for the exemption granted by this section must include 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.*

(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. However, structures and other improvements that are auxiliary to the use of the land for conservation purposes are exempt to the same extent as the underlying land.*

(7) *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.*

(8) *As provided in s. 704.06(8) and (9), water management districts with 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 for any easement that is not enforceable by a federal or state agency, county, municipality, or water management district when the holder of the easement is unable or unwilling to enforce the terms of the easement.*

(9) *The Acquisition and Restoration Council, created in s. 259.035, shall maintain a list of nonprofit entities that are qualified to enforce the provisions of a conservation easement.*

Section 2. Subsection (1) of section 193.501, Florida Statutes, is amended, and subsections (8) and (9) are added to that section, to read:

193.501 Assessment of lands 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) The owner or owners in fee of any land subject to a conservation easement as described in s. 704.06(4); 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 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(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(3), that such land be subject to one or more of the conservation restrictions provided in s. 704.06(1) or not be used by the owner for any purpose other than outdoor recreational or park purposes. 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.

(8) *A person or organization that, on January 1, has the legal title to land that is entitled by law to assessment under this section shall, 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 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.*

(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 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 shall 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 shall record a notice of tax lien in such other county or counties, identifying the property owned by such person or entity.*

Section 3. Subsection (12) is added to section 704.06, Florida Statutes, to read:

704.06 Conservation easements; creation; acquisition; enforcement.—

(12) *An owner of property encumbered by a conservation easement must abide by the requirements of chapter 712 or any other similar law or rule to preserve the conservation easement in perpetuity.*

Section 4. 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 assessed under s. 193.501.

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

Section 5. Subsections (6) and (9) of section 196.011, Florida Statutes, are amended to read:

196.011 Annual application required for exemption.—

(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 tax exemption has been granted under s. 196.26, 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. 196.26 will not be renewed unless the 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, refiling 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 *shall* ~~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 shall 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. ~~If Should~~ such person no longer ~~owns own~~ property in that county, but ~~owns own~~ property in some other county or counties in the state, ~~it shall be the duty of the property appraiser shall 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 property granted an exemption under s. 196.26 shall notify the property appraiser promptly whenever the use of the property 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 property 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 property granted an exemption under s. 196.26.*

(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 ~~shall 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 6. Paragraph (c) of subsection (2) of section 192.0105, Florida Statutes, is amended to read:

192.0105 Taxpayer rights.—There is created a Florida Taxpayer's Bill of Rights for property taxes and assessments to guarantee that the rights, privacy, and property of the taxpayers of this state are adequately safeguarded and protected during tax levy, assessment, collection, and enforcement processes administered under the revenue laws of this state. The Taxpayer's Bill of Rights compiles, in one document, brief but comprehensive statements that summarize the rights and obligations of the property appraisers, tax collectors, clerks of the court, local governing boards, the Department of Revenue, and taxpayers. Additional rights afforded to payors of taxes and assessments imposed under the revenue laws of this state are provided in s. 213.015. The rights afforded taxpayers to assure that their privacy and property are safeguarded and protected during tax levy, assessment, and collection are available only

insofar as they are implemented in other parts of the Florida Statutes or rules of the Department of Revenue. The rights so guaranteed to state taxpayers in the Florida Statutes and the departmental rules include:

(2) THE RIGHT TO DUE PROCESS.—

(c) The right to file a petition for exemption or agricultural classification with the value adjustment board when an application deadline is missed, upon demonstration of particular extenuating circumstances for filing late (see ss. 193.461(3)(a) and 196.011(1), (7), (8), and (9)(e) ~~(d)~~).

Section 7. 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, rolled-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 multiplied by the lesser of the 2010 applicable millage rate or the applicable millage rate for each county taxing jurisdiction in the prior year.*

Section 8. *The Department of Revenue may adopt emergency rules to administer s. 196.26, Florida Statutes, as created by this act. 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 9. This act shall take effect upon becoming a law and shall apply to property tax assessments made on or after January 1, 2010.

And the title is amended as follows:

Remove line(s) 804-889 and insert: An act relating to real property used for conservation purposes; creating s. 196.26, F.S.; providing definitions; providing for a full exemption for land dedicated in perpetuity and used exclusively for conservation purposes; 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; specifying criteria; requiring approved lands to have a management plan; specifying baseline documentation required for certain conservation easements; providing for the assessment of buildings and structures on exempted lands; exempting certain structures and improvements from certain assessments; requiring best management practices to be used for certain agricultural lands; providing for third-party conservation easement enforcement rights to water management districts under certain circumstances; requiring the Acquisition and Restoration Council to maintain a list of certain enforcement entities; amending s. 193.501, F.S.; revising a cross-reference; 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 property appraiser or value adjustment

board to grant late applications for such assessments if extenuating circumstances are shown; providing application requirements; providing for a nonrefundable fee; providing for waiver of the annual filing requirement under certain circumstances; 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; 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 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; authorizing the department to adopt emergency rules effective for a specified period; providing for renewal of such rules; providing applicability; providing an effective date.

On motion by Senator Altman, the Senate concurred in the House amendment to the Senate amendment.

HB 7157 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Sobel

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 CS for HB 903 and requests the Senate to recede.

Robert L. "Bob" Ward, Clerk

CS for HB 903—A bill to be entitled An act relating to attorney’s fees in workers’ compensation cases; amending s. 440.34, F.S.; clarifying requirements for the payment of fees and costs under a retainer agreement; specifying the amount of attorney’s fees which a claimant is entitled to recover from a carrier or employer; providing an effective date.

On motion by Senator Richter, the Senate receded from **Senate Amendment 1 (383074)**. The vote was:

Yeas—21

Mr. President	Alexander	Altman
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Baker	Diaz de la Portilla	Lynn
Bennett	Fasano	Oelrich
Bullard	Gaetz	Pruitt
Constantine	Gardiner	Richter
Dean	Haridopolos	Smith
Detert	King	Wise

Nays—17

Aronberg	Jones	Ring
Crist	Joyner	Siplin
Deutch	Justice	Sobel
Dockery	Lawson	Villalobos
Garcia	Peaden	Wilson
Gelber	Rich	

Vote after roll call:

Nay to Yea—Crist

PAIR

The following pair was announced by the Secretary in accordance with Senate Rule 5.4:

I am paired with Senator Hill on **CS for HB 903**. If he were present he would vote “nay” and I would vote “yea”.

Senator Ronda Storms, 10th District

On motion by Senator Richter, **CS for HB 903** passed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—22

Mr. President	Detert	Oelrich
Alexander	Diaz de la Portilla	Pruitt
Altman	Fasano	Richter
Baker	Gaetz	Siplin
Bennett	Gardiner	Smith
Bullard	Haridopolos	Wise
Constantine	King	
Dean	Lynn	

Nays—16

Aronberg	Jones	Ring
Crist	Joyner	Sobel
Deutch	Justice	Villalobos
Dockery	Lawson	Wilson
Garcia	Peaden	
Gelber	Rich	

Vote after roll call:

Yea to Nay—Bullard

Nay to Yea—Crist

PAIR

The following pair was announced by the Secretary in accordance with Senate Rule 5.4:

I am paired with Senator Hill on **CS for HB 903**. If he were present he would vote “nay” and I would vote “yea”.

Senator Ronda Storms, 10th District

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 582, with amendment 2, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for SB 582—A bill to be entitled An act relating to transportation; providing legislative findings with respect to the need to preserve investments in transportation infrastructure and reduce congestion; creating the Florida Transportation Revenue Study Commission for the purpose of studying the state's transportation needs and developing recommendations; requiring that the commission submit a report to the Legislature by a specified date; establishing powers and duties of the commission; providing for membership and authorizing the reimbursement of members for per diem and travel expenses; providing requirements for meetings of the commission; requiring the Center for Urban Transportation Research at the University of South Florida to provide staff support to the commission; requiring that the Department of Transportation direct a study for certain purposes; requiring that such study include and address certain elements; requiring that recommendations be delivered to the President of the Senate and the Speaker of the House of Representatives by a specified date; providing funding for the commission through federal funds for metropolitan transportation planning; amending s. 316.535, F.S.; requiring specified scale tolerances to be applied to weight limits for vehicles on highways that are not in the Interstate Highway System; amending s. 334.30, F.S.; authorizing the department to lease existing toll facilities through public-private partnerships, subject to approval by the Legislature; amending s. 339.2818, F.S.; relating to the Small County Outreach Program; revising the purpose of the program to include certain program types; revising eligibility and prioritization criteria; authorizing the Northwest Florida Regional Transportation Planning Organization to conduct a study on advancing funds for certain construction projects; authorizing the Department of Transportation to assist with the study; requiring results of the study to be provided to the Governor, the Legislature, and certain entities; providing principles for the study; providing for content of the study; providing for legislative authorization prior to implementation of the study; amending s. 316.545, F.S.; providing for a reduction in the gross weight of certain vehicles equipped with idle-reduction technologies when calculating a penalty for exceeding maximum weight limits; requiring the operator to provide certification of the weight of the idle-reduction technology and to demonstrate or certify that the idle-reduction technology is fully functional at all times; amending s. 334.044, F.S.; revising the powers and duties of the Department of Transportation; amending s. 339.62, F.S.; providing that certain intermodal logistics centers are components of the Strategic Intermodal System; amending s. 339.63, F.S.; providing that certain intermodal logistics centers are included within the Strategic Intermodal System and the Emerging Strategic Intermodal System; directing the Secretary of Transportation to designate certain intermodal logistics centers as part of the Strategic Intermodal System; creating an exemption for certain proposed affordable housing developments from transportation concurrency requirements; amending s. 316.1895, F.S., authorizing alternative installation of "Speeding Fines Doubled" signs in advance of school zones; amending s. 338.01, F.S.; prohibiting new toll facilities from eliminating non-tolled options for travel in the same corridor; creating the Ronshay Dugans Act; designating the first week in September as "Drowsy Driving Prevention Week"; amending s. 337.401, F.S.; providing for the placement of and access to transmission lines that are adjacent to and within the right-of-way of any public road controlled by the Department of Transportation; amending s. 163.3180, F.S.; providing a definition for "backlog"; amending s. 348.0003, F.S.; providing that members of certain authorities are subject to specified financial disclosure requirements; amending s. 348.0004, F.S.; authorizing any expressway authority, transportation authority, bridge authority, or toll authority, subject to the approval of the Legislature, for any existing facility, to receive or solicit proposals and enter into agreements with private entities, or consortia thereof, for the building, operation, ownership, or financing of authority transportation facilities; providing an effective date.

House Amendment 2 (797855) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Paragraph (c) of subsection (2), paragraphs (b) and (c) of subsection (4), and subsection (12) of section 163.3180, Florida Statutes,

are amended, and paragraph (i) is added to subsection (16) of that section, to read:

163.3180 Concurrency.—

(2)

(c) Consistent with the public welfare, and except as otherwise provided in this section, transportation facilities needed to serve new development shall be in place or under actual construction within 3 years after the local government approves a building permit or its functional equivalent that results in traffic generation. *In evaluating whether such transportation facilities will be in place or under actual construction, the following shall be considered a committed facility:*

1. *A project that is included in the first 3 years of a local government's adopted capital improvements plan;*
2. *A project that is included in the first 3 years of the Department of Transportation's adopted work program; or*
3. *A high-performance transit system that serves multiple municipalities, connects to an existing rail system, and is included in a county's or the Department of Transportation's long-range transportation plan.*

(4)

(b) The concurrency requirement as implemented in local comprehensive plans does not apply to public transit facilities. For the purposes of this paragraph, public transit facilities include transit stations and terminals; transit station parking; park-and-ride lots; intermodal public transit connection or transfer facilities; fixed bus, guideway, and rail stations; and airport passenger terminals and concourses, air cargo facilities, and hangars for the *assembly, manufacture, maintenance, or storage of aircraft*. As used in this paragraph, the terms "terminals" and "transit facilities" do not include seaports or commercial or residential development constructed in conjunction with a public transit facility.

(c) The concurrency requirement, except as it relates to transportation facilities and public schools, as implemented in local government comprehensive plans, may be waived by a local government for urban infill and redevelopment areas designated pursuant to s. 163.2517 if such a waiver does not endanger public health or safety as defined by the local government in its local government comprehensive plan. The waiver shall be adopted as a plan amendment pursuant to the process set forth in s. 163.3187(3)(a). A local government may grant a concurrency exception pursuant to subsection (5) for transportation facilities located within these urban infill and redevelopment areas. *Affordable housing developments that serve residents who have incomes at or below 60 percent of the area median income and are proposed to be located on arterial roadways that have public transit available are exempt from transportation concurrency requirements.*

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

1. ~~(a)~~ The development of regional impact which, based on its location or mix of land uses, is designed to encourage pedestrian or other nonautomotive modes of transportation;
2. ~~(b)~~ The proportionate-share contribution for local and regionally significant traffic impacts is sufficient to pay for one or more ~~required~~ mobility improvements that will benefit *the network of a* regionally significant transportation ~~facilities~~ ~~facility~~;
3. ~~(c)~~ The owner and developer of the development of regional impact pays or assures payment of the proportionate-share contribution *to the local government having jurisdiction over the development of regional impact*; and

4. ~~(d)~~ If the regionally significant transportation facility to be constructed or improved is under the maintenance authority of a governmental entity, as defined by s. 334.03(10) ~~(12)~~, other than the local government with jurisdiction over the development of regional impact, *the local government having jurisdiction over the development of regional impact must* ~~developer is required to~~ enter into a binding and legally

enforceable commitment to transfer funds to the governmental entity having maintenance authority or to otherwise assure construction or improvement of a ~~the~~ facility reasonably related to the mobility demands created by the development.

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

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

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

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

Section 2. 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 hanging 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 \$350.*

(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 necessary 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 3. Subsection (1) of section 212.055, Florida Statutes, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(1) CHARTER COUNTY TRANSPORTATION TRANSIT SYSTEM SURTAX.—

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

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

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

(d) Proceeds from the surtax shall be applied to as many or as few of the uses enumerated below in whatever combination the county commission deems appropriate:

1. Deposited by the county in the trust fund and shall be used for the purposes of development, construction, equipment, maintenance, operation, supportive services, including a countywide bus system, and related costs of a fixed guideway rapid transit system;

2. Remitted by the governing body of the county to an expressway, transit, or transportation authority created by law to be used, at the discretion of such authority, for the development, construction, operation, or maintenance of roads or bridges in the county, for the operation and maintenance of a bus system, for the payment of principal and interest on existing bonds issued for the construction of such roads or bridges, and, upon approval by the county commission, such proceeds may be pledged for bonds issued to refinance existing bonds or new bonds issued for the construction of such roads or bridges;

3. Used by the charter county for the development, construction, operation, and maintenance of roads and bridges in the county; for the expansion, operation, and maintenance of bus and fixed guideway systems; and for the payment of principal and interest on bonds issued for the construction of fixed guideway rapid transit systems, bus systems, roads, or bridges; and such proceeds may be pledged by the governing body of the county for bonds issued to refinance existing bonds or new bonds issued for the construction of such fixed guideway rapid transit systems, bus systems, roads, or bridges and no more than 25 percent used for nontransit uses; and

4. Used by the charter county for the planning, development, construction, operation, and maintenance of roads and bridges in the county; for the planning, development, expansion, operation, and maintenance of bus and fixed guideway systems; and for the payment of principal and interest on bonds issued for the construction of fixed guideway rapid transit systems, bus systems, roads, or bridges; and such proceeds may be pledged by the governing body of the county for bonds issued to refinance existing bonds or new bonds issued for the construction of such fixed guideway rapid transit systems, bus systems, roads, or bridges. Pursuant to an interlocal agreement entered into pursuant to chapter 163, the governing body of the charter county may distribute proceeds from the tax to a municipality, or an expressway or transportation authority created by law to be expended for the purpose authorized by this paragraph.

Section 4. Paragraph (b) of subsection (2) and subsection (4) of section 316.1001, Florida Statutes, are amended to read:

316.1001 Payment of toll on toll facilities required; penalties.—

(2)

(b) A citation issued under this subsection may be issued by mailing the citation ~~by first class mail, or by certified mail, return receipt requested,~~ to the address of the registered owner of the motor vehicle involved in the violation, ~~and verifiable receipt.~~ ~~Mailing the citation to this address constitutes notification.~~ In the case of joint ownership of a motor vehicle, the traffic citation must be mailed to the first name appearing on the registration, unless the first name appearing on the registration is a business organization, in which case the second name appearing on the registration may be used. A citation issued under this paragraph must be mailed to the registered owner of the motor vehicle involved in the violation within 14 days after the date of issuance of the violation. In addition to the citation, notification must be sent to the

registered owner of the motor vehicle involved in the violation specifying remedies available under ss. 318.14(12) and 318.18(7).

(4) Any governmental entity, *including, without limitation, a clerk of court,* may supply the department with data that is machine readable by the department's computer system, listing persons who have one or more outstanding violations of this section, *with reference to the person's driver's license number or license plate number in the case of a business entity.* Pursuant to s. 320.03(8), *the department and its authorized agents may not issue those persons may not be issued* a license plate or revalidation sticker for any motor vehicle *owned by a person whose name appears on the department's list of persons having any outstanding violations of this section until the person's name no longer appears on the list or until the person presents a receipt from the governmental entity or clerk showing that all applicable amounts owed on outstanding violations have been paid.*

Section 5. Subsection (6) of section 316.1895, Florida Statutes, is amended to read:

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

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

Section 6. Subsection (3) of section 316.29545, Florida Statutes, is renumbered as subsection (4), and a new subsection (3) is added to that section to read:

316.29545 Window suncreening exclusions; medical exemption; certain law enforcement vehicles *and private investigative service vehicles* exempt.—

(3) *The department shall exempt from the window suncreening restrictions of ss. 316.2953, 316.2954, and 316.2956 vehicles owned or leased by private investigative agencies licensed under chapter 493 and used in homeland security functions on behalf of federal, state, or local authorities; executive protection activities; undercover, covert, or surveillance operations involving child abductions, convicted sex offenders, insurance fraud, or missing persons or property; or investigative activities in which evidence is being obtained for civil or criminal court proceedings.*

Section 7. Subsection (14) of section 316.515, Florida Statutes, is amended to read:

316.515 Maximum width, height, length.—

(14) MANUFACTURED BUILDINGS.—The Department of Transportation may, in its discretion and upon application and good cause shown therefor that the same is not contrary to the public interest, issue a special permit for truck tractor-semitrailer combinations *if where* the total number of overwidth deliveries of manufactured buildings, as defined in s. 553.36(13), may be reduced by permitting the use of *multiple sections or single units on an overlength trailer of no more than 80 54* feet.

Section 8. Subsection (5) of section 316.535, Florida Statutes, is amended to read:

316.535 Maximum weights.—

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

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

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

Section 9. Subsections (2) and (3) of section 316.545, Florida Statutes, are amended to read:

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

(2)(a) Whenever an officer, upon weighing a vehicle or combination of vehicles with load, determines that the axle weight or gross weight is unlawful, the officer may require the driver to stop the vehicle in a suitable place and remain standing until a determination can be made as to the amount of weight thereon and, if overloaded, the amount of penalty to be assessed as provided herein. ~~However, any gross weight over and beyond 6,000 pounds beyond the maximum herein set shall be unloaded and all material so unloaded shall be cared for by the owner or operator of the vehicle at the risk of such owner or operator.~~ Except as otherwise provided in this chapter, to facilitate compliance with and enforcement of the weight limits established in s. 316.535, weight tables published pursuant to s. 316.535(7) shall include a 10-percent scale tolerance and shall thereby reflect the maximum scaled weights allowed any vehicle or combination of vehicles. As used in this section, scale tolerance means the allowable deviation from legal weights established in s. 316.535. Notwithstanding any other provision of the weight law, if a vehicle or combination of vehicles does not exceed the gross, external bridge, or internal bridge weight limits imposed in s. 316.535 and the driver of such vehicle or combination of vehicles can comply with the requirements of this chapter by shifting or equalizing the load on all wheels or axles and does so when requested by the proper authority, the driver shall not be held to be operating in violation of said weight limits. *Any vehicle or combination of vehicles which exceed the gross, or external bridge weight limits imposed in ss. 316.535(3), 316.535(4), or 316.535(6) over and beyond 6000 pounds shall be unloaded and all material so unloaded shall be cared for by the owner or operator of the vehicle at the risk of such owner or operator. Any vehicle or combination of vehicles which exceed the gross, or external bridge weight limits imposed in s. 316.535(5) shall be unloaded and all material so unloaded shall be cared for by the owner or operator of the vehicle at risk of such owner or operator.*

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

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

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

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

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

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

Section 10. Subsection (1) of section 316.605, Florida Statutes, is amended to read:

316.605 Licensing of vehicles.—

(1) Every vehicle, at all times while driven, stopped, or parked upon any highways, roads, or streets of this state, shall be licensed in the name of the owner thereof in accordance with the laws of this state unless such vehicle is not required by the laws of this state to be licensed in this state and shall, except as otherwise provided in s. 320.0706 for front-end registration license plates on truck tractors and s. 320.086(5) which exempts display of license plates on described former military vehicles, display the license plate or both of the license plates assigned to it by the state, one on the rear and, if two, the other on the front of the vehicle, each to be securely fastened to the vehicle outside the main body of the vehicle not higher than 60 inches and not lower than 12 inches from the ground and no more than 24 inches to the left or right of the centerline of the vehicle, and in such manner as to prevent the plates from swinging, and all letters, numerals, printing, writing, and other identification marks upon the plates regarding the word "Florida," the registration decal, and the alphanumeric designation shall be clear and distinct and free from defacement, mutilation, grease, and other obscuring matter, so that they will be plainly visible and legible at all times 100 feet from the rear or front. *Except for motorcycle license plates, vehicle license plates shall be affixed and displayed in such a manner that the letters and numerals shall be read from left to right parallel to the ground. No vehicle license plate may be displayed in an inverted or reversed position or in such a manner that the letters and numbers and their proper sequence are not readily identifiable. Nothing shall be placed upon the face of a Florida plate except as permitted by law or by rule or regulation of a governmental agency. No license plates other than those furnished by the state shall be used. However, if the vehicle is not required to be licensed in this state, the license plates on such vehicle issued by another state, by a territory, possession, or district of the United States, or by a foreign country, substantially complying with the provisions hereof, shall be considered as complying with this chapter. A violation of this subsection is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.*

Section 11. Subsection (7) of section 318.18, Florida Statutes, is amended to read:

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

(7) Mandatory \$100 fine for each violation of s. 316.1001 plus the amount of the unpaid toll shown on the traffic citation for each citation issued. The clerk of the court shall forward \$25 of the \$100 fine received, plus the amount of the unpaid toll that is shown on the citation, to the governmental entity that issued the citation, or on whose behalf the citation was issued. If a plea arrangement is reached prior to the date set for a scheduled evidentiary hearing and adjudication is withheld, there shall be a mandatory fine assessed per citation of not less than \$50 and not more than \$100, plus the amount of the unpaid toll for each citation issued. The clerk of the court shall forward \$25 of the fine imposed plus the amount of the unpaid toll that is shown on the citation to the governmental entity that issued the citation or on whose behalf the citation was issued. The court shall have specific authority to consolidate issued citations for the same defendant for the purpose of sentencing and aggregate jurisdiction. ~~In addition, the department shall suspend for 60 days the driver's license of a person who is convicted of 10 violations of s. 316.1001 within a 36 month period.~~ Any funds received by a governmental entity for this violation may be used for any lawful purpose related to the operation or maintenance of a toll facility.

Section 12. Subsection (8) of section 320.03, Florida Statutes, is amended to read:

320.03 Registration; duties of tax collectors; International Registration Plan.—

(8) If the applicant's name appears on the list referred to in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a license plate or revalida-

tion sticker may not be issued until that person's name no longer appears on the list or until the person presents a receipt from the *governmental entity that supplied the list or the clerk of court* showing that the fines outstanding have been paid. This subsection does not apply to the owner of a leased vehicle if the vehicle is registered in the name of the lessee of the vehicle. The tax collector and the clerk of the court are each entitled to receive monthly, as costs for implementing and administering this subsection, 10 percent of the civil penalties and fines recovered from such persons. As used in this subsection, the term "civil penalties and fines" does not include a wrecker operator's lien as described in s. 713.78(13). If the tax collector has private tag agents, such tag agents are entitled to receive a pro rata share of the amount paid to the tax collector, based upon the percentage of license plates and revalidation stickers issued by the tag agent compared to the total issued within the county. The authority of any private agent to issue license plates shall be revoked, after notice and a hearing as provided in chapter 120, if he or she issues any license plate or revalidation sticker contrary to the provisions of this subsection. This section applies only to the annual renewal in the owner's birth month of a motor vehicle registration and does not apply to the transfer of a registration of a motor vehicle sold by a motor vehicle dealer licensed under this chapter, except for the transfer of registrations which is inclusive of the annual renewals. This section does not affect the issuance of the title to a motor vehicle, notwithstanding s. 319.23(7)(b).

Section 13. Paragraph (d) of subsection (3) of section 322.27, Florida Statutes, is amended to read:

322.27 Authority of department to suspend or revoke license.—

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

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

1. Reckless driving, willful and wanton—4 points.
2. Leaving the scene of a crash resulting in property damage of more than \$50—6 points.
3. Unlawful speed resulting in a crash—6 points.
4. Passing a stopped school bus—4 points.
5. Unlawful speed:
 - a. Not in excess of 15 miles per hour of lawful or posted speed—3 points.
 - b. In excess of 15 miles per hour of lawful or posted speed—4 points.
6. A violation of a traffic control signal device as provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.
7. All other moving violations (including parking on a highway outside the limits of a municipality)—3 points. However, no points shall be imposed for a violation of s. 316.0741, s. 316.1001, or s. 316.2065(12).
8. Any moving violation covered above, excluding unlawful speed, resulting in a crash—4 points.
9. Any conviction under s. 403.413(6)(b)—3 points.
10. Any conviction under s. 316.0775(2)—4 points.

Section 14. Section 334.03, Florida Statutes, is amended to read:

334.03 Definitions.—When used in the Florida Transportation Code, the term:

~~(1) "Arterial road" means a route providing service which is relatively continuous and of relatively high traffic volume, long average trip length, high operating speed, and high mobility importance. In addition, every United States numbered highway is an arterial road.~~

~~(1) (2) "Bridge" means a structure, including supports, erected over a depression or an obstruction, such as water or a highway or railway, and having a track or passageway for carrying traffic as defined in chapter 316 or other moving loads.~~

~~(2) (3) "City street system" means all local roads within a municipality which were under the jurisdiction of that municipality on June 10, 1995, roads constructed by a municipality for that municipality's street system, and roads transferred to the municipality's jurisdiction after that date by mutual consent with another governmental entity, but does not include roads so transferred from the municipality's jurisdiction, and all collector roads inside that municipality, which are not in the county road system.~~

~~(4) "Collector road" means a route providing service which is of relatively moderate average traffic volume, moderately average trip length, and moderately average operating speed. Such a route also collects and distributes traffic between local roads or arterial roads and serves as a linkage between land access and mobility needs.~~

~~(3) (5) "Commissioners" means the governing body of a county.~~

~~(4) (6) "Consolidated metropolitan statistical area" means two or more metropolitan statistical areas that are socially and economically interrelated as defined by the United States Bureau of the Census.~~

~~(5) (7) "Controlled access facility" means a street or highway to which the right of access is highly regulated by the governmental entity having jurisdiction over the facility in order to maximize the operational efficiency and safety of the high-volume through traffic utilizing the facility. Owners or occupants of abutting lands and other persons have a right of access to or from such facility at such points only and in such manner as may be determined by the governmental entity.~~

~~(6) (8) "County road system" means all roads within a county which were under the jurisdiction of that county on June 10, 1995, roads constructed by a county for that county's road system, and roads transferred to the county's jurisdiction after that date by mutual consent with another governmental entity, but does not include roads so transferred from the county's jurisdiction, collector roads in the unincorporated areas of a county and all extensions of such collector roads into and through any unincorporated areas, all local roads in the unincorporated areas, and all urban minor arterial roads not in the State Highway System.~~

~~(7) (9) "Department" means the Department of Transportation.~~

~~(8) (10) "Florida Intrastate Highway System" means a system of limited access and controlled access facilities on the State Highway System which have the capacity to provide high-speed and high-volume traffic movements in an efficient and safe manner.~~

~~(9) (11) "Functional classification" means the assignment of roads into systems according to the character of service they provide in relation to the total road network using procedures developed by the Federal Highway Administration. Basic functional categories include arterial roads, collector roads, and local roads which may be subdivided into principal, major, or minor levels. Those levels may be additionally divided into rural and urban categories.~~

~~(10) (12) "Governmental entity" means a unit of government, or any officially designated public agency or authority of a unit of government, that has the responsibility for planning, construction, operation, or maintenance or jurisdiction over transportation facilities; the term includes the Federal Government, the state government, a county, an incorporated municipality, a metropolitan planning organization, an expressway or transportation authority, a road and bridge district, a special road and bridge district, and a regional governmental unit.~~

~~(11) (13) "Limited access facility" means a street or highway especially designed for through traffic, and over, from, or to which owners or occupants of abutting land or other persons have no right or easement of access, light, air, or view by reason of the fact that their property abuts upon such limited access facility or for any other reason. Such highways or streets may be facilities from which trucks, buses, and other com-~~

mercial vehicles are excluded; or they may be facilities open to use by all customary forms of street and highway traffic.

(12) ~~(14)~~ “Local governmental entity” means a unit of government with less than statewide jurisdiction, or any officially designated public agency or authority of such a unit of government, that has the responsibility for planning, construction, operation, or maintenance of, or jurisdiction over, a transportation facility; the term includes, but is not limited to, a county, an incorporated municipality, a metropolitan planning organization, an expressway or transportation authority, a road and bridge district, a special road and bridge district, and a regional governmental unit.

~~(15) “Local road” means a route providing service which is of relatively low average traffic volume, short average trip length or minimal through traffic movements, and high land access for abutting property.~~

(13) ~~(16)~~ “Metropolitan area” means a geographic region comprising as a minimum the existing urbanized area and the contiguous area projected to become urbanized within a 20-year forecast period. The boundaries of a metropolitan area may be designated so as to encompass a metropolitan statistical area or a consolidated metropolitan statistical area. If a metropolitan area, or any part thereof, is located within a nonattainment area, the boundaries of the metropolitan area must be designated so as to include the boundaries of the entire nonattainment area, unless otherwise provided by agreement between the applicable metropolitan planning organization and the Governor.

(14) ~~(17)~~ “Metropolitan statistical area” means an area that includes a municipality of 50,000 persons or more, or an urbanized area of at least 50,000 persons as defined by the United States Bureau of the Census, provided that the component county or counties have a total population of at least 100,000.

(15) ~~(18)~~ “Nonattainment area” means an area designated by the United States Environmental Protection Agency, pursuant to federal law, as exceeding national primary or secondary ambient air quality standards for the pollutants carbon monoxide or ozone.

(16) ~~(19)~~ “Periodic maintenance” means activities that are large in scope and require a major work effort to restore deteriorated components of the transportation system to a safe and serviceable condition, including, but not limited to, the repair of large bridge structures, major repairs to bridges and bridge systems, and the mineral sealing of lengthy sections of roadway.

(17) ~~(20)~~ “Person” means any person described in s. 1.01 or any unit of government in or outside the state.

(18) ~~(21)~~ “Right of access” means the right of ingress to a highway from abutting land and egress from a highway to abutting land.

(19) ~~(22)~~ “Right-of-way” means land in which the state, the department, a county, or a municipality owns the fee or has an easement devoted to or required for use as a transportation facility.

(20) ~~(23)~~ “Road” means a way open to travel by the public, including, but not limited to, a street, highway, or alley. The term includes associated sidewalks, the roadbed, the right-of-way, and all culverts, drains, sluices, ditches, water storage areas, waterways, embankments, slopes, retaining walls, bridges, tunnels, and viaducts necessary for the maintenance of travel and all ferries used in connection therewith.

(21) ~~(24)~~ “Routine maintenance” means minor repairs and associated tasks necessary to maintain a safe and efficient transportation system. The term includes: pavement patching; shoulder repair; cleaning and repair of drainage ditches, traffic signs, and structures; mowing; bridge inspection and maintenance; pavement striping; litter cleanup; and other similar activities.

(22) ~~(25)~~ “State Highway System” means the following, which shall be facilities to which access is regulated:

~~(a) The interstate system and all other roads within the state which were under the jurisdiction of the state on June 10, 1995, roads constructed by an agency of the state for the State Highway System, and roads transferred to the state’s jurisdiction after that date by mutual consent with another governmental entity, but does not include roads so~~

~~transferred from the state’s jurisdiction. These facilities shall be facilities to which access is regulated. †~~

~~(b) All rural arterial routes and their extensions into and through urban areas;~~

~~(c) All urban principal arterial routes; and~~

~~(d) The urban minor arterial mileage on the existing State Highway System as of July 1, 1987, plus additional mileage to comply with the 2-percent requirement as described below.~~

~~However, not less than 2 percent of the public road mileage of each urbanized area on record as of June 30, 1986, shall be included as minor arterials in the State Highway System. Urbanized areas not meeting the foregoing minimum requirement shall have transferred to the State Highway System additional minor arterials of the highest significance in which case the total minor arterials in the State Highway System from any urbanized area shall not exceed 2.5 percent of that area’s total public urban road mileage.~~

(23) ~~(26)~~ “State Park Road System” means roads embraced within the boundaries of state parks and state roads leading to state parks, other than roads of the State Highway System, the county road systems, or the city street systems.

(24) ~~(27)~~ “State road” means a street, road, highway, or other way open to travel by the public generally and dedicated to the public use according to law or by prescription and designated by the department, as provided by law, as part of the State Highway System.

(25) ~~(28)~~ “Structure” means a bridge, viaduct, tunnel, causeway, approach, ferry slip, culvert, toll plaza, gate, or other similar facility used in connection with a transportation facility.

(26) ~~(29)~~ “Sufficiency rating” means the objective rating of a road or section of a road for the purpose of determining its capability to serve properly the actual or anticipated volume of traffic using the road.

(27) ~~(30)~~ “Transportation corridor” means any land area designated by the state, a county, or a municipality which is between two geographic points and which area is used or suitable for the movement of people and goods by one or more modes of transportation, including areas necessary for management of access and securing applicable approvals and permits. Transportation corridors shall contain, but are not limited to, the following:

(a) Existing publicly owned rights-of-way;

(b) All property or property interests necessary for future transportation facilities, including rights of access, air, view, and light, whether public or private, for the purpose of securing and utilizing future transportation rights-of-way, including, but not limited to, any lands reasonably necessary now or in the future for securing applicable approvals and permits, borrow pits, drainage ditches, water retention areas, rest areas, replacement access for landowners whose access could be impaired due to the construction of a future facility, and replacement rights-of-way for relocation of rail and utility facilities.

(28) ~~(31)~~ “Transportation facility” means any means for the transportation of people or property from place to place which is constructed, operated, or maintained in whole or in part from public funds. The term includes the property or property rights, both real and personal, which have been or may be established by public bodies for the transportation of people or property from place to place.

(29) ~~(32)~~ “Urban area” means a geographic region comprising as a minimum the area inside the United States Bureau of the Census boundary of an urban place with a population of 5,000 or more persons, expanded to include adjacent developed areas as provided for by Federal Highway Administration regulations.

~~(33) “Urban minor arterial road” means a route that generally interconnects with and augments an urban principal arterial road and provides service to trips of shorter length and a lower level of travel mobility. The term includes all arterials not classified as “principal” and certain facilities that place more emphasis on land access than the higher system.~~

(30) (34) "Urban place" means a geographic region composed of one or more contiguous census tracts that have been found by the United States Bureau of the Census to contain a population density of at least 1,000 persons per square mile.

~~(35) "Urban principal arterial road" means a route that generally serves the major centers of activity of an urban area, the highest traffic volume corridors, and the longest trip purpose and carries a high proportion of the total urban area travel on a minimum of mileage. Such roads are integrated, both internally and between major rural connections.~~

(31) (36) "Urbanized area" means a geographic region comprising as a minimum the area inside an urban place of 50,000 or more persons, as designated by the United States Bureau of the Census, expanded to include adjacent developed areas as provided for by Federal Highway Administration regulations. Urban areas with a population of fewer than 50,000 persons which are located within the expanded boundary of an urbanized area are not separately recognized.

(32) (37) "511" or "511 services" means three-digit telecommunications dialing to access interactive voice response telephone traveler information services provided in the state as defined by the Federal Communications Commission in FCC Order No. 00-256, July 31, 2000.

(33) (38) "Interactive voice response" means a software application that accepts a combination of voice telephone input and touch-tone keypad selection and provides appropriate responses in the form of voice, fax, callback, e-mail, and other media.

Section 15. Subsections (11), (13), and (26) of section 334.044, Florida Statutes, are amended to read:

334.044 Department; powers and duties.—The department shall have the following general powers and duties:

(11) To establish a numbering system for public roads and to functionally classify such roads, ~~and to assign jurisdictional responsibility.~~

(13) To ~~designate existing and to plan proposed transportation facilities as part of the State Highway System, and to construct, maintain, and operate such facilities.~~

(26) To provide for the *enhancement of environmental benefits, including air and water quality, to prevent roadside erosion, to conserve the conservation of natural roadside growth and scenery and for the implementation and maintenance of roadside conservation, enhancement, and stabilization beautification programs*, and no less than 1.5 percent of the amount contracted for construction projects shall be allocated by the department to the purchase of plant materials ~~beautification programs. Except where prohibited by federal law or federal regulation and to the greatest extent practical, a minimum of 50 percent of these funds shall be used to purchase large plant materials with the remaining funds for other plant materials. All such plant materials shall be purchased from Florida based commercial nursery nurseryman stock on a uniform competitive bid basis. The department will develop grades and standards for landscaping materials purchased through this process. To accomplish these activities, the department may contract with nonprofit organizations having the primary purpose of developing youth employment opportunities.~~

Section 16. Section 334.047, Florida Statutes, is amended to read:

334.047 Prohibition.—Notwithstanding any other provision of law to the contrary, the Department of Transportation may not establish a cap on the number of miles in the State Highway System ~~or a maximum number of miles of urban principal arterial roads, as defined in s. 334.03, within a district or county.~~

Section 17. Paragraph (a) of 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, *as evidenced by a business case prepared under s. 287.0574 and submitted to the Council on Efficient Government;*

Section 18. Section 336.445, Florida Statutes, is created to read:

336.445 *Public-private partnerships with counties.*—

(1) *Notwithstanding any other provision of law or ordinance, a county may enter into agreements with private entities, or a consortia thereof, for the building, operation, ownership, or financing of toll facilities as part of the county road system under the following circumstances:*

(a) *The county has publically declared at a properly noticed commission meeting the need for a toll facility and a desire to contract with a private entity for the building, operation, ownership, or financing of a toll facility; and*

(b) *The county establishes after a public hearing that the proposal includes unique benefits and that adoption of the project is not contrary to the interest of the public.*

(2) *Before awarding the project to a private entity, the county must determine that the proposed project:*

(a) *Is not contrary to the public's interest;*

(b) *Would not require state funds to be used;*

(c) *Would have adequate safeguards in place to ensure that no additional costs or service disruptions would be realized by the travelling public in the event of default or cancellation of the agreement by the county; and*

(d) *Would have adequate safeguards in place to ensure that the county or the private entity has the opportunity to add capacity to the proposed project and other transportation facilities serving similar origins and destinations.*

(3) *Any agreement between a county and a private entity, or consortia thereof, must address the following:*

(a) *Regulations governing the future increase of toll or fare revenues; and*

(b) *That the private entity shall provide an investment grade traffic and revenue study prepared by an internationally recognized traffic and revenue expert that is accepted by the national bond rating agencies. The private entity shall also provide a finance plan that identifies the project cost, revenues by source, financing, major assumptions, internal rate of return on private investment, whether any government funds are assumed to deliver a cost-feasible project, and a total cash flow analysis beginning with the implementation of the project and extending for the term of the agreement.*

Section 19. Subsection (2) of section 337.0261, Florida Statutes, is amended to read:

337.0261 Construction aggregate materials.—

(2) LEGISLATIVE INTENT.—The Legislature finds that there is a strategic and critical need for an available supply of construction aggregate materials within the state and that a disruption of the supply would cause a significant detriment to the state's construction industry,

transportation system, and overall health, safety, and welfare. *In addition, the Legislature recognizes that construction aggregate materials mining is an industry of critical importance to the state and that the mining of construction aggregate materials is in the public interest.*

Section 20. Subsection (1) of section 337.401, Florida Statutes, is amended to read:

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

(1)(a) The department and local governmental entities, referred to in ss. 337.401-337.404 as the “authority,” that have jurisdiction and control of public roads or publicly owned rail corridors are authorized to prescribe and enforce reasonable rules or regulations with reference to the placing and maintaining along, across, or on any road or publicly owned rail corridors under their respective jurisdictions any electric transmission, telephone, telegraph, or other communications services lines; pole lines; poles; railways; ditches; sewers; water, heat, or gas mains; pipe-lines; fences; gasoline tanks and pumps; or other structures referred to in this section as the “utility.” ~~For aerial and underground electric utility transmission lines designed to operate at 69 or more kilovolts that are needed to accommodate the additional electrical transfer capacity on the transmission grid resulting from new base-load generating facilities, where there is no other practicable alternative available for placement of the electric utility transmission lines on the department’s rights of way, the department’s rules shall provide for placement of and access to such transmission lines adjacent to and within the right of way of any department-controlled public roads, including longitudinally within limited access facilities to the greatest extent allowed by federal law, if compliance with the standards established by such rules is achieved. Such rules may include, but need not be limited to, that the use of the right of way is reasonable based upon a consideration of economic and environmental factors, including, without limitation, other practicable alternative alignments, utility corridors and easements, impacts on adjacent property owners, and minimum clear zones and other safety standards, and further provide that placement of the electric utility transmission lines within the department’s right-of-way does not interfere with operational requirements of the transportation facility or planned or potential future expansion of such transportation facility. If the department approves longitudinal placement of electric utility transmission lines in limited access facilities, compensation for the use of the right of way is required. Such consideration or compensation paid by the electric utility in connection with the department’s issuance of a permit does not create any property right in the department’s property regardless of the amount of consideration paid or the improvements constructed on the property by the utility. Upon notice by the department that the property is needed for expansion or improvement of the transportation facility, the electric utility transmission line will relocate from the facility at the electric utility’s sole expense. The electric utility shall pay to the department reasonable damages resulting from the utility’s failure or refusal to timely relocate its transmission lines. The rules to be adopted by the department may also address the compensation methodology and relocation. As used in this subsection, the term “base-load generating facilities” means electric power plants that are certified under part II of chapter 403. The department may enter into a permit-delegation agreement with a governmental entity if issuance of a permit is based on requirements that the department finds will ensure the safety and integrity of facilities of the Department of Transportation; however, the permit-delegation agreement does not apply to facilities of electric utilities as defined in s. 366.02(2).~~

(b) *For aerial and underground electric utility transmission lines designed to operate at 69 or more kilovolts that are needed to accommodate the additional electrical transfer capacity on the transmission grid resulting from new base-load generating facilities, the department’s rules shall provide for placement of and access to such transmission lines adjacent to and within the right-of-way of any department-controlled public roads, including longitudinally within limited access facilities where there is no other practicable alternative available, to the greatest extent allowed by federal law, if compliance with the standards established by such rules is achieved. Such rules may include, but need not be limited to, that the use of the limited access right-of-way for longitudinal placement of electric utility transmission lines is reasonable based upon a consideration of economic and environmental factors, including, without limitation, other practicable alternative alignments, utility corridors and easements, impacts on adjacent property owners, and minimum clear zones and other safety standards, and further provide that placement of*

the electric utility transmission lines within the department’s right-of-way does not interfere with operational requirements of the transportation facility or planned or potential future expansion of such transportation facility. If the department approves longitudinal placement of electric utility transmission lines in limited access facilities, compensation for the use of the right-of-way is required. Such consideration or compensation paid by the electric utility in connection with the department’s issuance of a permit does not create any property right in the department’s property regardless of the amount of consideration paid or the improvements constructed on the property by the utility. Upon notice by the department that the property is needed for expansion or improvement of the transportation facility, the electric utility transmission line will relocate at the electric utility’s sole expense. The electric utility shall pay to the department reasonable damages resulting from the utility’s failure or refusal to timely relocate its transmission lines. The rules to be adopted by the department may also address the compensation methodology and relocation. As used in this subsection, the term “base-load generating facilities” means electric power plants that are certified under part II of chapter 403.

Section 21. Subsection (3) and paragraphs (b) and (c) of subsection (4) of section 339.2816, Florida Statutes, are amended to read:

339.2816 Small County Road Assistance Program.—

(3) Beginning with fiscal year 1999-2000 until fiscal year 2009-2010, and beginning again with fiscal year 2012-2013, up to \$25 million annually from the State Transportation Trust Fund may be used for the purposes of funding the Small County Road Assistance Program as described in this section.

(4)

(b) In determining a county’s eligibility for assistance under this program, the department may consider whether the county has attempted to keep county roads in satisfactory condition, including the amount of local option fuel tax and ~~ad valorem millage rate~~ imposed by the county. The department may also consider the extent to which the county has offered to provide a match of local funds with state funds provided under the program. At a minimum, small counties shall be eligible only if:

~~1. the county has enacted the maximum rate of the local option fuel tax authorized by s. 336.025(1)(a), and has imposed an ad valorem millage rate of at least 8 mills; or~~

~~2. The county has imposed an ad valorem millage rate of 10 mills.~~

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

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

2. As secondary criteria the department may consider:

a. Whether a road is used as an evacuation route.

b. Whether a road has high levels of agricultural travel.

c. Whether a road is considered a major arterial route.

d. Whether a road is considered a feeder road.

e. Whether a road is located in a fiscally constrained county as defined in s. 218.67(1).

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

Section 22. Subsections (1) and (4) of section 339.2818, Florida Statutes, are amended to read:

339.2818 Small County Outreach Program.—

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

provements, resurfacing or reconstructing county roads or in constructing capacity or safety improvements to county roads.

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

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

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

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

2. As secondary criteria the department may consider:

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

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

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

Section 23. Subsections (1), (2), and (5) of section 339.64, Florida Statutes, are amended to read:

339.64 Strategic Intermodal System Plan.—

(1) The department shall develop, in cooperation with metropolitan planning organizations, regional planning councils, local governments, ~~the Statewide Intermodal Transportation Advisory Council~~ and other transportation providers, a Strategic Intermodal System Plan. The plan shall be consistent with the Florida Transportation Plan developed pursuant to s. 339.155 and shall be updated at least once every 5 years, subsequent to updates of the Florida Transportation Plan.

(2) In association with the continued development of the Strategic Intermodal System Plan, the Florida Transportation Commission, as part of its work program review process, shall conduct an annual assessment of the progress that the department and its transportation partners have made in realizing the goals of economic development, improved mobility, and increased intermodal connectivity of the Strategic Intermodal System. The Florida Transportation Commission shall coordinate with the department, ~~the Statewide Intermodal Transportation Advisory Council~~, and other appropriate entities when developing this assessment. The Florida Transportation Commission shall deliver a report to the Governor and Legislature no later than 14 days after the regular session begins, with recommendations as necessary to fully implement the Strategic Intermodal System.

~~(5) STATEWIDE INTERMODAL TRANSPORTATION ADVISORY COUNCIL.—~~

~~(a) The Statewide Intermodal Transportation Advisory Council is created to advise and make recommendations to the Legislature and the department on policies, planning, and funding of intermodal transportation projects. The council's responsibilities shall include:~~

~~1. Advising the department on the policies, planning, and implementation of strategies related to intermodal transportation.~~

~~2. Providing advice and recommendations to the Legislature on funding for projects to move goods and people in the most efficient and effective manner for the State of Florida.~~

~~(b) MEMBERSHIP. Members of the Statewide Intermodal Transportation Advisory Council shall consist of the following:~~

~~1. Six intermodal industry representatives selected by the Governor as follows:~~

~~a. One representative from an airport involved in the movement of freight and people from their airport facility to another transportation mode.~~

~~b. One individual representing a fixed-route, local government transit system.~~

~~c. One representative from an intercity bus company providing regularly scheduled bus travel as determined by federal regulations.~~

~~d. One representative from a spaceport.~~

~~e. One representative from intermodal trucking companies.~~

~~f. One representative having command responsibilities of a major military installation.~~

~~2. Three intermodal industry representatives selected by the President of the Senate as follows:~~

~~a. One representative from major line railroads.~~

~~b. One representative from seaports listed in s. 311.09(1) from the Atlantic Coast.~~

~~c. One representative from an airport involved in the movement of freight and people from their airport facility to another transportation mode.~~

~~3. Three intermodal industry representatives selected by the Speaker of the House of Representatives as follows:~~

~~a. One representative from short line railroads.~~

~~b. One representative from seaports listed in s. 311.09(1) from the Gulf Coast.~~

~~c. One representative from intermodal trucking companies. In no event may this representative be employed by the same company that employs the intermodal trucking company representative selected by the Governor.~~

~~(e) Initial appointments to the council must be made no later than 30 days after the effective date of this section.~~

~~1. The initial appointments made by the President of the Senate and the Speaker of the House of Representatives shall serve terms concurrent with those of the respective appointing officer. Beginning January 15, 2005, and for all subsequent appointments, council members appointed by the President of the Senate and the Speaker of the House of Representatives shall serve 2 year terms, concurrent with the term of the respective appointing officer.~~

~~2. The initial appointees, and all subsequent appointees, made by the Governor shall serve 2 year terms.~~

~~3. Vacancies on the council shall be filled in the same manner as the initial appointments.~~

~~(d) Each member of the council shall be allowed one vote. The council shall select a chair from among its membership. Meetings shall be held at the call of the chair, but not less frequently than quarterly. The members of the council shall be reimbursed for per diem and travel expenses as provided in s. 112.061.~~

~~(e) The department shall provide administrative staff support and shall ensure that council meetings are electronically recorded. Such recordings and all documents received, prepared for, or used by the council in conducting its business shall be preserved pursuant to chapters 119 and 257.~~

Section 24. Subsection (2) of section 341.071, Florida Statutes, is amended to read:

341.071 Transit productivity and performance measures; reports.—

(2) Each public transit provider shall establish productivity and performance measures, which must be approved by the department and which must be selected from measures developed pursuant to s. 341.041(3). Each provider shall, by January 31 of each year, report to the department relative to these measures. In approving these measures, the department shall give consideration to the goals and objectives of each system, the needs of the local area, and the role for public transit in the local area. The report shall also specifically address potential enhancements to productivity and performance which would have the effect of increasing farebox recovery ratio. *The report shall also specifically address the use and effectiveness of high-performance transit systems authorized in s. 163.3180 and included in a county's or the Department of Transportation's long-range plan.*

Section 25. Paragraph (c) of subsection (4) of section 348.0003, Florida Statutes, is amended to read:

348.0003 ~~Expressway~~ Authority; formation and ; membership.—

(4)

(c) Members of *each expressway an authority, transportation authority, bridge authority, or toll authority, created pursuant to this chapter, chapter 343, or chapter 349, or pursuant to any other legislative enactment*, shall be required to comply with the applicable financial disclosure requirements of s. 8, Art. II of the State Constitution. *This paragraph does not subject a statutorily created expressway authority, transportation authority, bridge authority, or toll authority, other than one created under this part, to any of the requirements of this part other than those contained in this paragraph.*

Section 26. Subsections (3) and (7) of section 348.51, Florida Statutes, are amended to read:

348.51 Definitions.—The following terms whenever used or referred to in this part shall have the following meanings, except in those instances where the context clearly indicates otherwise:

(3) “Bonds” means and includes the notes, bonds, refunding bonds, or other evidences of indebtedness or obligations, in either temporary or definitive form, *which of the authority is authorized to issue issued* pursuant to this part.

(7) “Expressway system” or “system” means, generally, a modern highway system of roads, *managed lanes, and other transit supporting facilities*, bridges, causeways, and tunnels in the metropolitan area of the city, or within any area of the county, *including the Tampa Bay Region as defined by those counties set forth in s. 343.91(1)(a)*, with access limited or unlimited as the authority may determine, and such buildings and structures and appurtenances and facilities related thereto, including all approaches, streets, roads, bridges, and avenues of access for such system.

Section 27. Section 348.53, Florida Statutes, is amended to read:

348.53 Purposes of the authority.—The authority is created for the purposes and shall have power to construct, reconstruct, improve, extend, repair, maintain and operate the expressway system. It is hereby found and declared that such purposes are in all respects for the benefit of the people of the State of Florida, City of Tampa, ~~and the County of Hillsborough, and Tampa Bay Region~~, for the increase of their pleasure, convenience and welfare, for the improvement of their health, to facilitate transportation, *including transit support facilities*, for their recreation and commerce and for the common defense. The authority shall be performing a public purpose and a governmental function in carrying out its corporate purpose and in exercising the powers granted herein.

Section 28. Subsections (7) and (8) of section 348.54, Florida Statutes, are amended to read:

348.54 Powers of the authority.—Except as otherwise limited herein, the authority shall have the power:

(7) To borrow money and to make and issue negotiable bonds, notes, refunding bonds, and other evidences of indebtedness or obligations, either in temporary or definitive form, hereinafter in this chapter referred to as “bonds of the authority,” for the purpose of financing all or part of the improvement or extension of the expressway system, and appurtenant facilities, including all approaches, streets, roads, bridges, and avenues of

access for the expressway system and for any other purpose authorized by this part and to provide for the rights of the holders thereof.

(8) To secure the payment of bonds by a pledge of all or any portion of the revenues or such other moneys legally available therefor and of all or any portion of the Hillsborough County gasoline tax funds in the manner provided by this part; and in general to provide for the security of the bonds and the rights and remedies of the holders thereof. Interest upon the amount of gasoline tax funds to be repaid to the county pursuant to s. 348.60 shall be payable, at the highest rate applicable to any outstanding bonds of the authority, out of revenues and other available moneys not required to meet the authority's obligations to its bondholders. *The authority shall have no power at any time or in any manner to pledge the credit or taxing power of the state or any political subdivision or agency, including the city and the county, nor shall any of the authority's obligations be deemed to be obligations of the state or of any political subdivision or agency, nor shall the state or any political subdivision or agency, except the authority, be liable for the payment of the principal or of interest on such obligations.*

Section 29. Section 348.545, Florida Statutes, is amended to read:

348.545 Facility improvement; bond financing authority.—Pursuant to s. 11(f), Art. VII of the State Constitution, the Legislature hereby approves for bond financing by the Tampa-Hillsborough County Expressway Authority improvements to toll collection facilities, interchanges to the legislatively approved expressway system, and any other facility appurtenant, necessary, or incidental to the approved system. Subject to terms and conditions of applicable revenue bond resolutions and covenants, such ~~costs financing~~ may be financed in whole or in part by revenue bonds *issued pursuant to s. 348.56(1)(a) or (b) whether currently issued or issued in the future, or by a combination of such bonds.*

Section 30. Subsections (1) and (2) of section 348.56, Florida Statutes, are amended to read:

348.56 Bonds of the authority.—

(1)(a) *Bonds may be issued on behalf of the authority pursuant to the State Bond Act.*

(b) *Alternatively*, the authority shall have the power and is hereby authorized from time to time to issue bonds in such principal amount as, in the opinion of the authority, shall be necessary to provide sufficient moneys for achieving its corporate purposes, including construction, reconstruction, improvement, extension, repair, maintenance and operation of the expressway system, the cost of acquisition of all real property, interest on bonds during construction and for a reasonable period thereafter, establishment of reserves to secure bonds, and all other expenditures of the authority incident to and necessary or convenient to carry out its corporate purposes and powers.

(2)(a) Bonds *issued by the authority pursuant to paragraph (1)(a) or paragraph (1)(b)* shall be authorized by resolution of the members of the authority and shall bear such date or dates, mature at such time or times, not exceeding 40 years from their respective dates, bear interest at such rate or rates, not exceeding the maximum rate fixed by general law for authorities, be in such denominations, be in such form, either coupon or fully registered, carry such registration, exchangeability and interchangeability privileges, be payable in such medium of payment and at such place or places, be subject to such terms of redemption and be entitled to such priorities of lien on the revenues, other available moneys, and the Hillsborough County gasoline tax funds as such resolution or any resolution subsequent thereto may provide. The bonds shall be executed either by manual or facsimile signature by such officers as the authority shall determine, provided that such bonds shall bear at least one signature which is manually executed thereon. The coupons attached to such bonds shall bear the facsimile signature or signatures of such officer or officers as shall be designated by the authority. Such bonds shall have the seal of the authority affixed, imprinted, reproduced, or lithographed thereon.

(b) The bonds *issued pursuant to paragraph (1)(a) or paragraph (1)(b)* shall be sold at public sale in the same manner provided in the State Bond Act, ~~and the net interest cost to the authority on such bonds shall not exceed the maximum rate fixed by general law for authorities. If all bids received on the public sale are rejected, the authority may then proceed to negotiate for the sale of the bonds at a net interest cost which shall be less than the lowest net interest cost stated in the bids rejected~~

~~at the public sale.~~ However, if the authority determines, by official action at a public meeting, that a negotiated sale of such bonds is in the best interest of the authority, the authority may negotiate the sale of such bonds with the underwriter or underwriters designated by the authority and the Division of Bond Finance within the State Board of Administration with respect to bonds issued pursuant to paragraph (1)(a) or solely by the authority with respect to bonds issued pursuant to paragraph (1)(b). The authority's determination to negotiate the sale of such bonds may be based, in part, upon the written advice of the authority's financial adviser. Pending the preparation of definitive bonds, temporary bonds or interim certificates may be issued to the purchaser or purchasers of such bonds and may contain such terms and conditions as the authority may determine.

Section 31. Section 348.565, Florida Statutes, is amended to read:

348.565 Revenue bonds for specified projects.—The existing facilities that constitute the Tampa-Hillsborough County Expressway System are hereby approved to be refinanced by ~~the issuance of~~ revenue bonds issued by the Division of Bond Finance of the State Board of Administration pursuant to s. 11(f), Art. VII of the State Constitution and the State Bond Act, or by revenue bonds issued by the authority pursuant to s. 348.56(1)(b). In addition, the following projects of the Tampa-Hillsborough County Expressway Authority are approved to be financed or refinanced by the issuance of revenue bonds in accordance with this part and pursuant to s. 11(f), Art. VII of the State Constitution:

- (1) Brandon area feeder roads.
- (2) Capital improvements to the expressway system, including safety and operational improvements and toll collection equipment.
- (3) Lee Roy Selmon Crosstown Expressway System widening.
- (4) The connector highway linking the Lee Roy Selmon Crosstown Expressway to Interstate 4.
- (5) *Managed lanes and other transit support facilities.*

Section 32. Subsection (1) of section 348.57, Florida Statutes, is amended to read:

348.57 Refunding bonds.—

(1) Subject to public notice as provided in s. 348.54, the authority is authorized to provide by resolution for the issuance from time to time of bonds pursuant to s. 348.56(1)(b) for the purpose of refunding any bonds then outstanding regardless of whether the bonds being refunded were issued by the authority pursuant to this chapter or on behalf of the authority pursuant to the State Bond Act. The authority is further authorized to provide by resolution for the issuance of bonds for the combined purpose of:

- (a) Paying the cost of constructing, reconstructing, improving, extending, repairing, maintaining and operating the expressway system.
- (b) Refunding bonds then outstanding. The authorization, sale and issuance of such obligations, the maturities and other details thereof, the rights and remedies of the holders thereof, and the rights, powers, privileges, duties and obligations of the authority with respect to the same shall be governed by the foregoing provisions of this part insofar as the same may be applicable.

Section 33. Section 348.70, Florida Statutes, is amended to read:

348.70 This part complete and additional authority.—

(1) The powers conferred by this part shall be in addition and supplemental to the existing respective powers of the authority, the department, the county, and the city, if any, and this part shall not be construed as repealing any of the provisions of any other law, general, special, or local, but shall be deemed to supersede such other law or laws in the exercise of the powers provided in this part insofar as such other law or laws are inconsistent with the provisions of this part and to provide a complete method for the exercise of the powers granted herein. The construction, reconstruction, improvement, extension, repair, maintenance, and operation of the expressway system, and the issuance of bonds hereunder to finance all or part of the cost thereof, may be accomplished upon compliance with the provisions of this part without regard to or necessity for compliance with the provisions, limitations, or

restrictions contained in any other general, special, or local law, including, but not limited to, s. 215.821, and no approval of any bonds issued under this part by the qualified electors or qualified electors who are freeholders in the state or in the county or in the city or in any other political subdivision of the state shall be required for the issuance of such bonds.

(2) This part does not repeal, rescind, or modify any other law or laws relating to the State Board of Administration, the Department of Transportation, or the Division of Bond Finance of the State Board of Administration, but shall supersede such other law or laws as are inconsistent with the provisions of this part, including, but not limited to, s. 215.821.

Section 34. Subsection (6) of section 369.317, Florida Statutes, is amended to read:

369.317 Wekiva Parkway.—

(6) The Orlando-Orange County Expressway Authority is hereby granted the authority to act as a third-party acquisition agent, pursuant to s. 259.041 on behalf of the Board of Trustees or chapter 373 on behalf of the governing board of the St. Johns River Water Management District, for the acquisition of all necessary lands, property and all interests in property identified herein, including fee simple or less-than-fee simple interests. The lands subject to this authority are identified in paragraph 10.a., State of Florida, Office of the Governor, Executive Order 03-112 of July 1, 2003, and in Recommendation 16 of the Wekiva Basin Area Task Force created by Executive Order 2002-259, such lands otherwise known as Neighborhood Lakes, a 1,587+/- acre parcel located in Orange and Lake Counties within Sections 27, 28, 33, and 34 of Township 19 South, Range 28 East, and Sections 3, 4, 5, and 9 of Township 20 South, Range 28 East; Seminole Woods/Swamp, a 5,353+/- acre parcel located in Lake County within Section 37, Township 19 South, Range 28 East; New Garden Coal; a 1,605+/- acre parcel in Lake County within Sections 23, 25, 26, 35, and 36, Township 19 South, Range 28 East; Pine Plantation, a 617+/- acre tract consisting of eight individual parcels within the Apopka City limits. The Department of Transportation, the Department of Environmental Protection, the St. Johns River Water Management District, and other land acquisition entities shall participate and cooperate in providing information and support to the third-party acquisition agent. The land acquisition process authorized by this paragraph shall begin no later than December 31, 2004. Acquisition of the properties identified as Neighborhood Lakes, Pine Plantation, and New Garden Coal, or approval as a mitigation bank shall be concluded no later than December 31, 2010. Department of Transportation and Orlando-Orange County Expressway Authority funds expended to purchase an interest in those lands identified in this subsection shall be eligible as environmental mitigation for road construction related impacts in the Wekiva Study Area. *If any of the lands identified in this subsection are used as environmental mitigation for road-construction-related impacts incurred by the Department of Transportation or the Orlando-Orange County Expressway Authority, or for other impacts incurred by other entities, within the Wekiva Study Area or within the Wekiva Parkway alignment corridor and, if the mitigation offsets such impacts, the St. Johns River Water Management District and the Department of Environmental Protection shall consider the activity regulated under part IV of chapter 373 to meet the cumulative impact requirements of s. 373.414(8)(a).*

(a) Acquisition of the land described in this section is required to provide right of way for the Wekiva Parkway, a limited access roadway linking State Road 429 to Interstate 4, an essential component in meeting regional transportation needs to provide regional connectivity, improve safety, accommodate projected population and economic growth, and satisfy critical transportation requirements caused by increased traffic volume growth and travel demands.

(b) Acquisition of the lands described in this section is also required to protect the surface water and groundwater resources of Lake, Orange, and Seminole counties, otherwise known as the Wekiva Study Area, including recharge within the springshed that provides for the Wekiva River system. Protection of this area is crucial to the long term viability of the Wekiva River and springs and the central Florida region's water supply. Acquisition of the lands described in this section is also necessary to alleviate pressure from growth and development affecting the surface and groundwater resources within the recharge area.

(c) Lands acquired pursuant to this section that are needed for transportation facilities for the Wekiva Parkway shall be determined not

necessary for conservation purposes pursuant to ss. 253.034(6) and 373.089(5) and shall be transferred to or retained by the Orlando-Orange County Expressway Authority or the Department of Transportation upon reimbursement of the full purchase price and acquisition costs.

Section 35. Paragraph (a) of subsection (7) of section 380.06, Florida Statutes, is amended to read:

380.06 Developments of regional impact.—

(7) PREAPPLICATION PROCEDURES.—

(a) Before filing an application for development approval, the developer shall contact the regional planning agency with jurisdiction over the proposed development to arrange a preapplication conference. Upon the request of the developer or the regional planning agency, other affected state and regional agencies shall participate in this conference and shall identify the types of permits issued by the agencies, the level of information required, and the permit issuance procedures as applied to the proposed development. *The level-of-service standards required in the transportation methodology must be the same level-of-service standards used to evaluate concurrency in accordance with s. 163.3180.* The regional planning agency shall provide ~~the developer~~ information to the developer about the development-of-regional-impact process and the use of preapplication conferences to identify issues, coordinate appropriate state and local agency requirements, and otherwise promote a proper and efficient review of the proposed development. If an agreement is reached regarding assumptions and methodology to be used in the application for development approval, the reviewing agencies may not subsequently object to those assumptions and methodologies unless subsequent changes to the project or information obtained during the review make those assumptions and methodologies inappropriate.

Section 36. *Sections 479.01, 479.015, 479.02, 479.03, 479.04, 479.05, 479.07, 479.08, 479.10, 479.105, 479.106, 479.107, 479.11, 479.111, 479.12, 479.14, 479.15, 479.155, 479.156, 479.16, 479.21, 479.24, and 479.25, Florida Statutes, are designated as part I of chapter 479, Florida Statutes.*

Section 37. *Sections 479.261, 479.262, 479.27, 479.28, and 479.30, Florida Statutes, are designated as part II of chapter 479, Florida Statutes.*

Section 38. Part III of chapter 479, Florida Statutes, consisting of sections 479.310, 479.311, 479.312, 479.313, and 479.314, is created to read:

PART III

SIGN REMOVAL

479.310 *Legislative intent.—It is the intent of this part to relieve the department from the financial burden incurred in the removal of unpermitted and illegal signs located within the controlled areas adjacent to the State Highway System, interstate, or federal-aid primary system; to place the financial responsibility for the cost of such removal directly upon those benefiting from the location and operation of such unpermitted and illegal signs; and to provide clear authority to the department for the recovery of cost incurred by the department in the removal of such unpermitted and illegal signs.*

479.311 *Jurisdiction; venue.—The county court shall have jurisdiction concurrent with the circuit court to consider claims filed by the department in amounts that are within their jurisdictional limitations. Venue shall be the Leon County for the purpose of a claim filed by the department to recover its costs as provided in this section.*

479.312 *Unpermitted signs; cost of removal.—All costs incurred by the department in connection with the removal of a sign located within a controlled area adjacent to the interstate highway system, the federal-aid primary highway system, or the State Highway System shall be assessed against and collected from the following persons if they have not been issued a permit under part I of this chapter:*

- (1) *The owner of the sign;*
- (2) *The advertiser displayed on the sign; or*
- (3) *The owner of the property upon which the sign is located.*

For the purpose of this subsection, a sign that does not display the name of the owner of the sign shall be presumed to be owned by the owner of the property upon which the sign is located.

479.313 *Permit revocation; cost of removal.—All costs incurred by the department in connection with the removal of a sign located within a controlled area adjacent to the interstate highway system, the federal-aid primary highway system, or the State Highway System following the revocation of the permit for such sign shall be assessed against and collected from the permittee.*

479.314 *Highway rights-of-way; cost of sign removal.—All costs incurred by the department in connection with the removal of a sign located within a right-of-way of the interstate highway system, the federal-aid primary highway system, or the State Highway System shall be assessed against and collected from the owner of the sign or the advertiser displayed on the sign.*

Section 39. Section 705.18, Florida Statutes, is amended to read:

705.18 *Disposal of personal property lost or abandoned on university or community college campuses ~~or certain public use airports~~; disposition of proceeds from sale thereof.—*

(1) *Whenever any lost or abandoned personal property shall be found on a campus of an institution in the State University System or a campus of a state-supported community college, ~~or on premises owned or controlled by the operator of a public use airport having regularly scheduled international passenger service~~, the president of the institution or the president's designee ~~or the director of the airport or the director's designee~~ shall take charge thereof and make a record of the date such property was found. If, within 30 days after such property is found, or a longer period of time as may be deemed appropriate by the president ~~or the director~~ under the circumstances, ~~the property is~~ *is not claimed by the owner, the president ~~or director~~ shall order it sold at public outcry after giving notice of the time and place of sale in a publication of general circulation on the campus of such institution ~~or within the county where the airport is located~~ and written notice to the owner if known. The rightful owner of such property may reclaim the same at any time prior to sale.**

(2) *All moneys realized from such institution's sale shall be placed in an appropriate fund and used solely for student scholarship and loan purposes. ~~All moneys realized from such sale by an airport, less its costs of storage, transportation, and publication of notice, shall, unless another use is required by federal law, be deposited into the state school fund.~~*

Section 40. Section 705.182, Florida Statutes, is created to read:

705.182 *Disposal of personal property found on the premises of public-use airports.—*

(1) *Whenever any personal property, other than an aircraft or motor vehicle, is found on premises owned or controlled by the operator of a public-use airport, the director of the airport or the director's designee shall take charge thereof and make a record of the date such property was found.*

(2) *If, within 30 calendar days after such property is found or for a longer period of time as may be deemed appropriate by the director or the director's designee under the circumstances, the property is not claimed by the owner, the director or the director's designee may:*

- (a) *Retain any or all of the property for use by the airport or for use by the state or the unit of local government owning or operating the airport;*
- (b) *Trade such property to another unit of local government or a state agency;*
- (c) *Donate the property to a charitable organization;*
- (d) *Sell the property; or*
- (e) *Dispose of the property through an appropriate refuse removal company or a company that provides salvage services for the type of personal property found or located on the airport premises.*

(3) The airport shall notify the owner, if known, of the property found on the airport premises and that the airport intends to dispose of the property as provided in subsection (2).

(4) If the airport elects to sell the property under paragraph (2)(d), the property must be sold at a public auction either on the Internet or at a specified physical location after giving notice of the time and place of sale, at least 10 calendar days prior to the date of sale, in a publication of general circulation within the county where the airport is located and after written notice, via certified mail, return receipt requested, is provided to the owner, if known. Any such notice shall be sufficient if the notice refers to the airport's intention to sell all then-accumulated found property, and there is no requirement that the notice identify each item to be sold. The rightful owner of such property may reclaim the property at any time prior to sale by presenting acceptable evidence of ownership to the airport director or the director's designee. All proceeds from the sale of the property shall be retained by the airport for use by the airport in any lawfully authorized manner.

(5) Nothing in this section shall preclude the airport from allowing a domestic or international air carrier or other tenant, on premises owned or controlled by the operator of a public-use airport, to establish its own lost and found procedures for personal property and to dispose of such personal property.

(6) A purchaser or recipient in good faith of personal property sold or obtained under this section shall take the property free of the rights of persons then holding any legal or equitable interest thereto, whether or not recorded.

Section 41. Section 705.183, Florida Statutes, is created to read:

705.183 Disposal of derelict or abandoned aircraft on the premises of public-use airports.—

(1)(a) Whenever any derelict or abandoned aircraft is found or located on premises owned or controlled by the operator of a public-use airport, whether or not such premises are under a lease or license to a third party, the director of the airport or the director's designee shall make a record of the date the aircraft was found or determined to be present on the airport premises.

(b) For purposes of this section, the term:

1. "Abandoned aircraft" means an aircraft that has been disposed of on a public-use airport in a wrecked, inoperative, or partially dismantled condition or an aircraft that has remained in an idle state on premises owned or controlled by the operator of a public-use airport for 45 consecutive calendar days.

2. "Derelict aircraft" means any aircraft that is not in a flyable condition, does not have a current certificate of air worthiness issued by the Federal Aviation Administration, and is not in the process of actively being repaired.

(2) The director or the director's designee shall contact the Federal Aviation Administration, Aircraft Registration Branch, to determine the name and address of the last registered owner of the aircraft and shall make a diligent personal search of the appropriate records, or contact an aircraft title search company, to determine the name and address of any person having an equitable or legal interest in the aircraft. Within 10 business days after receipt of the information, the director or the director's designee shall notify the owner and all persons having an equitable or legal interest in the aircraft by certified mail, return receipt requested, of the location of the derelict or abandoned aircraft on the airport premises, that fees and charges for the use of the airport by the aircraft have accrued and the amount thereof, that the aircraft is subject to a lien under subsection (5) for the accrued fees and charges for the use of the airport and for the transportation, storage, and removal of the aircraft, that the lien is subject to enforcement pursuant to law, and that the airport may cause the use, trade, sale, or removal of the aircraft as described in s. 705.182(2)(a), (b), (d), or (e) if, within 30 calendar days after the date of receipt of such notice, the aircraft has not been removed from the airport upon payment in full of all accrued fees and charges for the use of the airport and for the transportation, storage, and removal of the aircraft. Such notice may require removal of the aircraft in less than 30 calendar days if the aircraft poses a danger to the health or safety of users of the airport, as determined by the director or the director's designee.

(3) If the owner of the aircraft is unknown or cannot be found, the director or the director's designee shall cause a laminated notice to be placed upon such aircraft in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY. This property, to wit: (setting forth brief description) is unlawfully upon public property known as (setting forth brief description of location) and has accrued fees and charges for the use of the (same description of location as above) and for the transportation, storage, and removal of the property. These accrued fees and charges must be paid in full and the property must be removed within 30 calendar days after the date of this notice; otherwise, the property will be removed and disposed of pursuant to chapter 705, Florida Statutes. The property is subject to a lien for all accrued fees and charges for the use of the public property known as (same description of location as above) by such property and for all fees and charges incurred by the public property known as (same description of location as above) for the transportation, storage, and removal of the property. This lien is subject to enforcement pursuant to law. The owner will be liable for such fees and charges, as well as the cost for publication of this notice. Dated this: (setting forth the date of posting of notice), signed: (setting forth name, title, address, and telephone number of law enforcement officer).

Such notice shall be not less than 8 inches by 10 inches and shall be sufficiently weatherproof to withstand normal exposure to the weather. If, at the end of 30 calendar days after posting the notice, the owner or any person interested in the described derelict or abandoned aircraft has not removed the aircraft from the airport upon payment in full of all accrued fees and charges for the use of the airport and for the transportation, storage, and removal of the aircraft, or shown reasonable cause for failure to do so, the director or the director's designee may cause the use, trade, sale, or removal of the aircraft as described in s. 705.182(2)(a), (b), (d), or (e).

(4) Such aircraft shall be removed within the time period specified in the notice provided under subsection (2) or subsection (3). If, at the end of such period of time, the owner or any person interested in the described derelict or abandoned aircraft has not removed the aircraft from the airport upon payment in full of all accrued fees and charges for the use of the airport and for the transportation, storage, and removal of the aircraft, or shown reasonable cause for the failure to do so, the director or the director's designee may cause the use, trade, sale, or removal of the aircraft as described in s. 705.182(2)(a), (b), (d), or (e).

(a) If the airport elects to sell the aircraft in accordance with s. 705.182(2)(d), the aircraft must be sold at public auction after giving notice of the time and place of sale, at least 10 calendar days prior to the date of sale, in a publication of general circulation within the county where the airport is located and after providing written notice of the intended sale to all parties known to have an interest in the aircraft.

(b) If the airport elects to dispose of the aircraft in accordance with s. 705.182(2)(e), the airport shall be entitled to negotiate with the company for a price to be received from such company in payment for the aircraft, or, if circumstances so warrant, a price to be paid to such company by the airport for the costs of disposing of the aircraft. All information pertaining to the establishment of such price and the justification for the amount of such price shall be prepared and maintained by the airport, and such negotiated price shall be deemed to be a commercially reasonable price.

(c) If the sale price or the negotiated price is less than the airport's then current charges and costs against the aircraft, or if the airport is required to pay the salvage company for its services, the owner of the aircraft shall remain liable to the airport for the airport's costs that are not offset by the sale price or negotiated price, in addition to the owner's liability for payment to the airport of the price the airport was required to pay any salvage company. All costs incurred by the airport in the removal, storage, and sale of any aircraft shall be recoverable against the owner thereof.

(5) The airport shall have a lien on a derelict or abandoned aircraft for all fees and charges for the use of the airport by such aircraft and for all fees and charges incurred by the airport for the transportation, storage, and removal of the aircraft. As a prerequisite to perfecting a lien under this section, the airport director or the director's designee must serve a notice in accordance with subsection (2) on the last registered owner and all persons having an equitable or legal interest in the aircraft. Serving the notice does not dispense with recording the claim of lien.

(6)(a) For the purpose of perfecting its lien under this section, the airport shall record a claim of lien which shall state:

1. The name and address of the airport.
2. The name of the last registered owner of the aircraft and all persons having a legal or equitable interest in the aircraft.
3. The fees and charges incurred by the aircraft for the use of the airport and the fees and charges for the transportation, storage, and removal of the aircraft.
4. A description of the aircraft sufficient for identification.

(b) The claim of lien shall be signed and sworn to or affirmed by the airport director or the director's designee.

(c) The claim of lien shall be sufficient if it is in substantially the following form:

CLAIM OF LIEN

State of _____

County of _____

Before me, the undersigned notary public, personally appeared _____, who was duly sworn and says that he/she is the _____ of _____, whose address is _____; and that the following described aircraft:

(Description of aircraft)

owned by _____, whose address is _____, has accrued \$ _____ in fees and charges for the use by the aircraft of _____ and for the transportation, storage, and removal of the aircraft from _____; that the lienor served its notice to the last registered owner and all persons having a legal or equitable interest in the aircraft on _____, (year), by _____.

(Signature)

Sworn to (or affirmed) and subscribed before me this _____ day of _____, (year), by (name of person making statement).

(Signature of Notary Public)(Print, Type, or Stamp Commissioned name of Notary Public)

Personally Known ___OR Produced ___as identification.

However, the negligent inclusion or omission of any information in this claim of lien which does not prejudice the last registered owner does not constitute a default that operates to defeat an otherwise valid lien.

(d) The claim of lien shall be served on the last registered owner of the aircraft and all persons having an equitable or legal interest in the aircraft. The claim of lien shall be so served before recordation.

(e) The claim of lien shall be recorded with the clerk of court in the county where the airport is located. The recording of the claim of lien shall be constructive notice to all persons of the contents and effect of such claim. The lien shall attach at the time of recordation and shall take priority as of that time.

(7) A purchaser or recipient in good faith of an aircraft sold or obtained under this section takes the property free of the rights of persons then holding any legal or equitable interest thereto, whether or not recorded. The purchaser or recipient is required to notify the appropriate Federal Aviation Administration office of such change in the registered owner of the aircraft.

(8) If the aircraft is sold at public sale, the airport shall deduct from the proceeds of sale the costs of transportation, storage, publication of notice, and all other costs reasonably incurred by the airport, and any balance of the proceeds shall be deposited into an interest-bearing account not later than 30 calendar days after the airport's receipt of the proceeds and held there for 1 year. The rightful owner of the aircraft may claim the balance of the proceeds within 1 year after the date of the deposit by making application to the airport and presenting acceptable written evidence of ownership to the airport's director or the director's designee. If no rightful owner claims the proceeds within the 1-year time period, the

balance of the proceeds shall be retained by the airport to be used in any manner authorized by law.

(9) Any person acquiring a legal interest in an aircraft that is sold by an airport under this section or s. 705.182 shall be the lawful owner of such aircraft and all other legal or equitable interests in such aircraft shall be divested and of no further force and effect, provided that the holder of any such legal or equitable interests was notified of the intended disposal of the aircraft to the extent required in this section. The airport may issue documents of disposition to the purchaser or recipient of an aircraft disposed of under this section.

Section 42. Section 705.184, Florida Statutes, is created to read:

705.184 Derelict or abandoned motor vehicles on the premises of public-use airports.—

(1)(a) Whenever any derelict or abandoned motor vehicle is found on premises owned or controlled by the operator of a public-use airport, including airport premises leased to a third party, the director of the airport or the director's designee may take charge thereof and make a record of the date such motor vehicle was found.

(b) For purposes of this section, the term:

1. "Abandoned motor vehicle" means a motor vehicle that has been disposed of on a public-use airport in a wrecked, inoperative, or partially dismantled condition or a motor vehicle that has remained in an idle state on the premises of a public-use airport for 45 consecutive calendar days.

2. "Derelict motor vehicle" means any motor vehicle that is not in a drivable condition.

(c) After the information relating to the abandoned or derelict motor vehicle is recorded in the airport's records, the director or the director's designee may cause the motor vehicle to be removed from airport premises by the airport's wrecker or by a licensed independent wrecker company to be stored at a suitable location on or off the airport premises. If the motor vehicle is to be removed from airport premises by the airport's wrecker, the airport must follow the procedures in subsections (2)-(8). The procedures in subsections (2)-(8) do not apply if the motor vehicle is removed from the airport premises by a licensed independent wrecker company.

(2) The airport director or the director's designee shall contact the Department of Highway Safety and Motor Vehicles to notify that department that the airport has possession of the abandoned or derelict motor vehicle and to determine the name and address of the owner of the motor vehicle, the insurance company insuring the motor vehicle notwithstanding the provisions of s. 627.736, and any person who has filed a lien on the motor vehicle. Within 7 business days after receipt of the information, the director or the director's designee shall send notice by certified mail, return receipt requested, to the owner of the motor vehicle, the insurance company insuring the motor vehicle notwithstanding the provisions of s. 627.736, and all persons of record claiming a lien against the motor vehicle. The notice shall state the fact of possession of the motor vehicle, that charges for reasonable towing, storage, and parking fees, if any, have accrued and the amount thereof, that a lien as provided in subsection (6) will be claimed, that the lien is subject to enforcement pursuant to law, that the owner or lienholder, if any, has the right to a hearing as set forth in subsection (4), and that any motor vehicle which, at the end of 30 calendar days after receipt of the notice, has not been removed from the airport upon payment in full of all accrued charges for reasonable towing, storage, and parking fees, if any, may be disposed of as provided in s. 705.182(2)(a), (b), (d), or (e), including, but not limited to, the motor vehicle being sold free of all prior liens after 35 calendar days after the time the motor vehicle is stored if any prior liens on the motor vehicle are more than 5 years of age or after 50 calendar days after the time the motor vehicle is stored if any prior liens on the motor vehicle are 5 years of age or less.

(3) If attempts to notify the owner or lienholder pursuant to subsection (2) are not successful, the requirement of notice by mail shall be considered met and the director or the director's designee, in accordance with subsection (5), may cause the motor vehicle to be disposed of as provided in s. 705.182(2)(a), (b), (d), or (e), including, but not limited to, the motor vehicle being sold free of all prior liens after 35 calendar days after the time the motor vehicle is stored if any prior liens on the motor vehicle are more than 5 years of age or after 50 calendar days after the time the motor

vehicle is stored if any prior liens on the motor vehicle are 5 years of age or less.

(4)(a) The owner of, or any person with a lien on, a motor vehicle removed pursuant to subsection (1), may, within 10 calendar days after the time he or she has knowledge of the location of the motor vehicle, file a complaint in the county court of the county in which the motor vehicle is stored to determine if his or her property was wrongfully taken or withheld.

(b) Upon filing a complaint, an owner or lienholder may have his or her motor vehicle released upon posting with the court a cash or surety bond or other adequate security equal to the amount of the fees for towing, storage, and accrued parking, if any, to ensure the payment of such fees in the event he or she does not prevail. Upon the posting of the bond or other adequate security and the payment of any applicable fee, the clerk of the court shall issue a certificate notifying the airport of the posting of the bond or other adequate security and directing the airport to release the motor vehicle. At the time of such release, after reasonable inspection, the owner or lienholder shall give a receipt to the airport reciting any claims he or she has for loss or damage to the motor vehicle or the contents thereof.

(5) If, after 30 calendar days after receipt of the notice, the owner or any person claiming a lien has not removed the motor vehicle from its storage location upon payment in full of all accrued charges for reasonable towing, storage, and parking fees, if any, or shown reasonable cause for the failure to do so, the airport director or the director's designee may dispose of the motor vehicle as provided in s. 705.182(2)(a), (b), (d), or (e). If the airport elects to sell the motor vehicle pursuant to s. 705.182(2)(d), the motor vehicle may be sold free of all prior liens after 35 calendar days after the time the motor vehicle is stored if any prior liens on the motor vehicle are more than 5 years of age or after 50 calendar days after the time the motor vehicle is stored if any prior liens on the motor vehicle are 5 years of age or less. The sale shall be a public auction either on the Internet or at a specified physical location. If the date of the sale was not included in the notice required in subsection (2), notice of the sale, sent by certified mail, return receipt requested, shall be given to the owner of the motor vehicle and to all persons claiming a lien on the motor vehicle. Such notice shall be mailed not less than 10 calendar days before the date of the sale. In addition to the notice by mail, public notice of the time and place of the sale at auction shall be made by publishing a notice thereof one time, at least 10 calendar days prior to the date of sale, in a newspaper of general circulation in the county in which the sale is to be held. All costs incurred by the airport for the towing, storage, and sale of the motor vehicle, as well as all accrued parking fees, if any, shall be recovered by the airport from the proceeds of the sale, and any proceeds of the sale in excess of such costs shall be retained by the airport for use by the airport in any manner authorized by law.

(6) The airport pursuant to this section or, if used, a licensed independent wrecker company pursuant to s. 713.78 shall have a lien on an abandoned or derelict motor vehicle for all reasonable towing, storage, and accrued parking fees, if any, except that no storage fee shall be charged if the motor vehicle is stored less than 6 hours. As a prerequisite to perfecting a lien under this section, the airport director or the director's designee must serve a notice in accordance with subsection (2) on the owner of the motor vehicle, the insurance company insuring the motor vehicle notwithstanding the provisions of s. 627.736, and all persons of record claiming a lien against the motor vehicle. If attempts to notify the owner, the insurance company insuring the motor vehicle notwithstanding the provisions of s. 627.736, or lienholders are not successful, the requirement of notice by mail shall be considered met. Serving of the notice does not dispense with recording the claim of lien.

(7)(a) For the purpose of perfecting its lien under this section, the airport shall record a claim of lien which shall state:

1. The name and address of the airport.
2. The name of the owner of the motor vehicle, the insurance company insuring the motor vehicle notwithstanding the provisions of s. 627.736, and all persons of record claiming a lien against the motor vehicle.
3. The costs incurred from reasonable towing, storage, and parking fees, if any.
4. A description of the motor vehicle sufficient for identification.

(b) The claim of lien shall be signed and sworn to or affirmed by the airport director or the director's designee.

(c) The claim of lien shall be sufficient if it is in substantially the following form:

CLAIM OF LIEN

State of _____

County of _____

Before me, the undersigned notary public, personally appeared _____, who was duly sworn and says that he/she is the _____ of _____, whose address is _____; and that the following described motor vehicle:

(Description of motor vehicle)

owned by _____, whose address is _____, has accrued \$_____ in fees for a reasonable tow, for storage, and for parking, if applicable; that the lienor served its notice to the owner, the insurance company insuring the motor vehicle notwithstanding the provisions of s. 627.736, Florida Statutes, and all persons of record claiming a lien against the motor vehicle on _____, (year), by _____.

(Signature)

Sworn to (or affirmed) and subscribed before me this _____ day of _____, (year), by (name of person making statement).

(Signature of Notary Public)(Print, Type, or Stamp Commissioned name of Notary Public)

Personally Known _____ OR Produced _____ as identification.

However, the negligent inclusion or omission of any information in this claim of lien which does not prejudice the owner does not constitute a default that operates to defeat an otherwise valid lien.

(d) The claim of lien shall be served on the owner of the motor vehicle, the insurance company insuring the motor vehicle notwithstanding the provisions of s. 627.736, and all persons of record claiming a lien against the motor vehicle. If attempts to notify the owner, the insurance company insuring the motor vehicle notwithstanding the provisions of s. 627.736, or lienholders are not successful, the requirement of notice by mail shall be considered met. The claim of lien shall be so served before recordation.

(e) The claim of lien shall be recorded with the clerk of court in the county where the airport is located. The recording of the claim of lien shall be constructive notice to all persons of the contents and effect of such claim. The lien shall attach at the time of recordation and shall take priority as of that time.

(8) A purchaser or recipient in good faith of a motor vehicle sold or obtained under this section takes the property free of the rights of persons then holding any legal or equitable interest thereto, whether or not recorded.

Section 43. Subsection (3) of section 288.063, Florida Statutes, is amended to read:

288.063 Contracts for transportation projects.—

(3) With respect to any contract executed pursuant to this section, the term "transportation project" means a transportation facility as defined in s. 334.03(28) ~~(21)~~ which is necessary in the judgment of the Office of Tourism, Trade, and Economic Development to facilitate the economic development and growth of the state. Except for applications received prior to July 1, 1996, such transportation projects shall be approved only as a consideration to attract new employment opportunities to the state or expand or retain employment in existing companies operating within the state, or to allow for the construction or expansion of a state or federal correctional facility in a county with a population of 75,000 or less that creates new employment opportunities or expands or retains employment in the county. The Office of Tourism, Trade, and Economic Development shall institute procedures to ensure that small and minority businesses have equal access to funding provided under this section. Funding for approved transportation projects may include any expenses, other than administrative costs and equipment purchases

specified in the contract, necessary for new, or improvement to existing, transportation facilities. Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless the Office of Tourism, Trade, and Economic Development determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation which creates additional jobs. Subject to appropriation for projects under this section, any appropriation greater than \$10 million shall be allocated to each of the districts of the Department of Transportation to ensure equitable geographical distribution. Such allocated funds that remain uncommitted by the third quarter of the fiscal year shall be reallocated among the districts based on pending project requests.

Section 44. Paragraph (b) of subsection (3) of section 311.07, Florida Statutes, is amended to read:

311.07 Florida seaport transportation and economic development funding.—

(3)

(b) Projects eligible for funding by grants under the program are limited to the following port facilities or port transportation projects:

1. Transportation facilities within the jurisdiction of the port.
2. The dredging or deepening of channels, turning basins, or harbors.
3. The construction or rehabilitation of wharves, docks, structures, jetties, piers, storage facilities, cruise terminals, automated people mover systems, or any facilities necessary or useful in connection with any of the foregoing.
4. The acquisition of vessel tracking systems, container cranes, or other mechanized equipment used in the movement of cargo or passengers in international commerce.
5. The acquisition of land to be used for port purposes.
6. The acquisition, improvement, enlargement, or extension of existing port facilities.
7. Environmental protection projects which are necessary because of requirements imposed by a state agency as a condition of a permit or other form of state approval; which are necessary for environmental mitigation required as a condition of a state, federal, or local environmental permit; which are necessary for the acquisition of spoil disposal sites and improvements to existing and future spoil sites; or which result from the funding of eligible projects listed in this paragraph.
8. Transportation facilities as defined in s. 334.03(28) ~~(31)~~ which are not otherwise part of the Department of Transportation's adopted work program.
9. Seaport intermodal access projects identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3).
10. Construction or rehabilitation of port facilities as defined in s. 315.02, excluding any park or recreational facilities, in ports listed in s. 311.09(1) with operating revenues of \$5 million or less, provided that such projects create economic development opportunities, capital improvements, and positive financial returns to such ports.

Section 45. Subsection (7) of section 311.09, Florida Statutes, is amended to read:

311.09 Florida Seaport Transportation and Economic Development Council.—

(7) The Department of Transportation shall review the list of projects approved by the council for consistency with the Florida Transportation Plan and the department's adopted work program. In evaluating the consistency of a project, the department shall determine whether the transportation impact of the proposed project is adequately handled by existing state-owned transportation facilities or by the construction of additional state-owned transportation facilities as identified in the Florida Transportation Plan and the department's adopted work program. In reviewing for consistency a transportation facility project as defined in s. 334.03(28) ~~(31)~~ which is not otherwise part of the depart-

ment's work program, the department shall evaluate whether the project is needed to provide for projected movement of cargo or passengers from the port to a state transportation facility or local road. If the project is needed to provide for projected movement of cargo or passengers, the project shall be approved for consistency as a consideration to facilitate the economic development and growth of the state in a timely manner. The Department of Transportation shall identify those projects which are inconsistent with the Florida Transportation Plan and the adopted work program and shall notify the council of projects found to be inconsistent.

Section 46. Section 316.2122, Florida Statutes, is amended to read:

316.2122 Operation of a low-speed vehicle on certain roadways.— The operation of a low-speed vehicle, as defined in s. 320.01(42), on any road *under the jurisdiction of a county or municipality or on an urban minor arterial road under the jurisdiction of the Department of Transportation as defined in s. 334.03(15) or (32)*, is authorized with the following restrictions:

(1) A low-speed vehicle may be operated only on streets where the posted speed limit is 35 miles per hour or less. This does not prohibit a low-speed vehicle from crossing a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour.

(2) A low-speed vehicle must be equipped with headlamps, stop lamps, turn signal lamps, taillamps, reflex reflectors, parking brakes, rearview mirrors, windshields, seat belts, and vehicle identification numbers.

(3) A low-speed vehicle must be registered and insured in accordance with s. 320.02.

(4) Any person operating a low-speed vehicle must have in his or her possession a valid driver's license.

(5) A county or municipality may prohibit the operation of low-speed vehicles on any road under its jurisdiction if the governing body of the county or municipality determines that such prohibition is necessary in the interest of safety.

(6) The Department of Transportation may prohibit the operation of low-speed vehicles on any road under its jurisdiction if it determines that such prohibition is necessary in the interest of safety.

Section 47. Paragraph (c) of subsection (5) of section 316.515, Florida Statutes, is amended to read:

316.515 Maximum width, height, length.—

(5) IMPLEMENTS OF HUSBANDRY AND FARM EQUIPMENT; AGRICULTURAL TRAILERS; FORESTRY EQUIPMENT; SAFETY REQUIREMENTS.—

(c) The width and height limitations of this section do not apply to farming or agricultural equipment, whether self-propelled, pulled, or hauled, when temporarily operated during daylight hours upon a public road that is not a limited access facility as defined in s. 334.03(11) ~~(13)~~, and the width and height limitations may be exceeded by such equipment without a permit. To be eligible for this exemption, the equipment shall be operated within a radius of 50 miles of the real property owned, rented, or leased by the equipment owner. However, equipment being delivered by a dealer to a purchaser is not subject to the 50-mile limitation. Farming or agricultural equipment greater than 174 inches in width must have one warning lamp mounted on each side of the equipment to denote the width and must have a slow-moving vehicle sign. Warning lamps required by this paragraph must be visible from the front and rear of the vehicle and must be visible from a distance of at least 1,000 feet.

Section 48. Paragraph (b) of subsection (7) of section 332.14, Florida Statutes, is amended to read:

332.14 Secure Airports for Florida's Economy Council.—

(7) The SAFE council may utilize, as appropriate and with legislative spending authorization, any federal, state, and local government contributions as well as private donations to fund SAFE Master Plan projects.

(b) The council shall review and approve or disapprove each project eligible to be funded pursuant to this act. The council shall annually submit a list of projects which have been approved by the council to the Secretary of Transportation, the Secretary of Community Affairs, the executive director of the Department of Law Enforcement, and the director of the Office of Tourism, Trade, and Economic Development. The list shall specify the recommended funding level for each project, and, if staged implementation of the project is appropriate, the funding requirements for each stage shall be specified.

1. The Department of Community Affairs shall review the list of projects approved by the council to determine consistency with approved local government comprehensive plans of the units of local government in which the airport is located and consistency with the airport master plan. The Department of Community Affairs shall identify and notify the council of those projects which are not consistent, to the maximum extent feasible, with such comprehensive plans and airport master plans.

2. The Department of Transportation shall review the list of projects approved by the council for consistency with the Florida Transportation Plan and the department's adopted work program. In evaluating the consistency of a project, the department shall determine whether the transportation impact of the proposed project is adequately handled by existing state-owned transportation facilities or by the construction of additional state-owned transportation facilities as identified in the Florida Transportation Plan and the department's adopted work program. In reviewing for consistency a transportation facility project as defined in s. 334.03(28) ~~(31)~~ which is not otherwise part of the department's work program, the department shall evaluate whether the project is needed to provide for projected movement of cargo or passengers from the airport to a state transportation facility or local road. If the project is needed to provide for projected movement of cargo or passengers, the project shall be approved for consistency as a consideration to facilitate the economic development and growth of the state in a timely manner. The department shall identify those projects which are inconsistent with the Florida Transportation Plan and the adopted work program and shall notify the council of projects found to be inconsistent.

3. The Office of Tourism, Trade, and Economic Development, in consultation with Enterprise Florida, Inc., shall review the list of projects approved by the council to evaluate the economic benefit of the project and to determine whether the project is consistent with the SAFE Master Plan. The Office of Tourism, Trade, and Economic Development shall review the economic benefits of each project based upon the rules adopted pursuant to paragraph (a). The Office of Tourism, Trade, and Economic Development shall identify those projects which it has determined do not offer an economic benefit to the state or are not consistent with the SAFE Master Plan and shall notify the council of its findings.

4. The Department of Law Enforcement shall review the list of projects approved by the council for consistency with domestic security provisions of ss. 943.03101, 943.0311, and 943.0312. The Department of Law Enforcement shall identify those projects that it has determined are inconsistent with the state's strategic plan for domestic security and shall notify the council of its findings.

Section 49. Section 336.01, Florida Statutes, is amended to read:

336.01 Designation of county road system.—The county road system shall be as defined in s. 334.03(6) ~~(8)~~.

Section 50. Subsection (2) of section 338.222, Florida Statutes, is amended to read:

338.222 Department of Transportation sole governmental entity to acquire, construct, or operate turnpike projects; exception.—

(2) The department may contract with any local governmental entity as defined in s. 334.03(12) ~~(14)~~ for the design, right-of-way acquisition, or construction of any turnpike project which the Legislature has approved. Local governmental entities may negotiate with the department for the design, right-of-way acquisition, and construction of any section of the turnpike project within areas of their respective jurisdictions or within counties with which they have interlocal agreements.

Section 51. Paragraph (a) of subsection (2) of section 403.7211, Florida Statutes, is amended to read:

403.7211 Hazardous waste facilities managing hazardous wastes generated offsite; federal facilities managing hazardous waste.—

(2) The department shall not issue any permit under s. 403.722 for the construction, initial operation, or substantial modification of a facility for the disposal, storage, or treatment of hazardous waste generated offsite which is proposed to be located in any of the following locations:

(a) Any area where life-threatening concentrations of hazardous substances could accumulate at any residence or residential subdivision as the result of a catastrophic event at the proposed facility, unless each such residence or residential subdivision is served by at least one arterial road or urban minor arterial road *that* ~~—as defined in s. 334.03, which provides safe and direct egress by land to an area where such life-threatening concentrations of hazardous substances could not accumulate in a catastrophic event.~~ Egress by any road leading from any residence or residential subdivision to any point located within 1,000 yards of the proposed facility is unsafe for the purposes of this paragraph. In determining whether egress proposed by the applicant is safe and direct, the department shall also consider, at a minimum, the following factors:

1. Natural barriers such as water bodies, and whether any road in the proposed evacuation route is impaired by a natural barrier such as a water body;

2. Potential exposure during egress and potential increases in the duration of exposure;

3. Whether any road in a proposed evacuation route passes in close proximity to the facility; and

4. Whether any portion of the evacuation route is inherently directed toward the facility.

For the purposes of this subsection, all distances shall be measured from the outer limit of the active hazardous waste management area. "Substantial modification" includes: any physical change in, change in the operations of, or addition to a facility which could increase the potential offsite impact, or risk of impact, from a release at that facility; and any change in permit conditions which is reasonably expected to lead to greater potential impacts or risks of impacts, from a release at that facility. "Substantial modification" does not include a change in operations, structures, or permit conditions which does not substantially increase either the potential impact from, or the risk of, a release. Physical or operational changes to a facility related solely to the management of nonhazardous waste at the facility shall not be considered a substantial modification. The department shall, by rule, adopt criteria to determine whether a facility has been substantially modified. "Initial operation" means the initial commencement of operations at the facility.

Section 52. Subsection (24) of section 479.01, Florida Statutes, is amended to read:

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

(24) "Urban area" has the same meaning as defined in s. 334.03(29) ~~(32)~~.

Section 53. *Ronshay Dugans Act.*—*The first week of September is designated as "Drowsy Driving Prevention Week" in this state. During Drowsy Driving Prevention Week, the Department of Highway Safety and Motor Vehicles and the Department of Transportation are encouraged to educate the law enforcement community and the public about the relationship between fatigue and performance and the research showing fatigue to be as much of an impairment as alcohol and as dangerous behind the wheel. This section may be cited as the "Ronshay Dugans Act."*

Section 54. (1) *The Northwest Florida Regional Transportation Planning Organization, an interlocal agency under part I of chapter 163, Florida Statutes, is authorized to study the feasibility of advance-funding the costs of capacity projects in its member counties and making recommendations to the Legislature by February 1, 2010. The Department of Transportation may assist the organization in conducting the study.*

(2) *Results of any study authorized by this section shall be provided to the Governor, the President of the Senate, the Speaker of the House of Representatives, the department, any metropolitan planning organization*

in any county served by the organization, and the counties served by the organization and shall discuss the financial feasibility of advance-funding the costs of capacity projects in the Northwest Florida Regional Transportation Planning Organization's member counties. The study must be based on the following assumptions:

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

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

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

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

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

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

(3) The study shall contain:

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

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

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

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

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

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

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

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

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

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

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

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

8. In the event that the capacity funds allocated to the member counties of the organization are less than the amount needed to satisfy the payment requirements under the contract, the department shall defer the

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

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

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

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

Section 55. 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.

Section 56. Florida Transportation Revenue Study Commission.—

(1) The Legislature finds and declares that the costs of preserving investments in transportation infrastructure and eliminating or reducing congestion in the movement of people and goods is expected to substantially increase, and those costs will have a commensurate effect on the state's economy, environment, and quality of life.

(2) The Florida Transportation Revenue Study Commission is created for the purpose of studying state, regional, and local transportation needs and developing new and innovative funding options and recommendations that address this state's future transportation needs. The commission shall submit a written report to the Legislature containing its findings and recommendations by January 1, 2011. The report presented by the commission shall, at a minimum, include findings and recommendations regarding:

(a) The stability of existing transportation revenue sources, taking into account energy-efficient vehicles, emerging technologies, alternative fuels, and other state and federal initiatives.

(b) The funding needs of state, regional, and local transportation facilities and services and the ability to address those needs.

(c) New and innovative funding options that can be used by the state, metropolitan planning organizations, local governments, and other major transportation providers to fund transportation facilities and services.

(3) The commission shall consist of 13 members. Three members shall be appointed by the Governor, three members shall be appointed by the President of the Senate, and three members shall be appointed by the Speaker of the House of Representatives. One member shall be the Secretary of Transportation, or the secretary's designee, one member shall be appointed by the Metropolitan Planning Organization Advisory Council, one member shall be appointed by the Florida Association of Counties,

Inc., from among its members, and one member shall be appointed by the Florida League of Cities, Inc., from among its members. The membership of the commission must represent transportation organizations, local governments, developers and homebuilders, the business community, the environmental community, transportation labor organizations, and other appropriate stakeholders in the transportation system. One member shall be designated by the Governor as chair of the commission. Members shall be appointed to a term that ends July 1, 2011. Any vacancy that occurs on the commission shall be filled in the same manner as the original appointment. Members of the commission shall serve without compensation, but are entitled to reimbursement for per diem and travel expenses in accordance with s. 112.061, Florida Statutes, while in performance of their duties.

(4) *The first meeting of the commission shall be held by October 1, 2009, and thereafter the commission shall meet at the call of the chair but not less frequently than three times per year. Each member of the commission is entitled to one vote, and actions of the commission are not binding unless taken by a majority vote of the members present. A majority of the membership constitutes a quorum at any meeting of the commission. The commission may adopt its own rules of procedure and has such other powers as are necessary to complete its responsibilities.*

(5) *The Center for Urban Transportation Research at the University of South Florida shall provide staff and other resources necessary to assist the commission in accomplishing its goals. All agencies under the control of the Governor are directed, and all other federal, state, and local agencies are requested, to render assistance to, and cooperate with, the commission.*

Section 57. *Funding for the Florida Transportation Revenue Study Commission.—The sum of \$225,000 in federal metropolitan planning funds is appropriated from the State Transportation Trust Fund to the Center for Urban Transportation Research at the University of South Florida for each of the 2009-2010 and 2010-2011 fiscal years for the purpose of paying the expenses of staff services and providing other related assistance to the Florida Transportation Revenue Study Commission.*

Section 58. This act shall take effect July 1, 2009.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to transportation; amending s. 163.3180, F.S., relating to transportation concurrency; providing for evaluating whether certain necessary transportation facilities will be in place or under actual construction within a required timeframe; providing that certain projects or high-performance transit systems be considered as committed facilities; revising an exception to transportation concurrency requirements to provide for hangars used for assembly and manufacture of aircraft; exempting certain housing developments from concurrency requirements; revising provisions for a development of regional impact to satisfy specified concurrency requirements by paying a proportionate-share contribution for traffic impacts; providing that the cost of certain improvements shall be credited against a development of regional impact's proportionate-share contribution; requiring local government agreements relating to funding regional transportation impacts under certain circumstances; defining the term "backlog" as it applies to the impacts of development on transportation facilities; conforming a cross-reference; 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. 212.055, F.S.; renaming the charter county transit system surtax; expanding the eligibility to levy the surtax to all charter counties; amending s. 316.1001; revising notification requirements for toll violation citations; clarifying conditions for issuance of a license plate; amending s. 316.1895, F.S.; authorizing alternative installation of Speeding Fines Doubled signs in advance of school zones; amending s. 316.29545, F.S.; excluding vehicles owned or leased by private investigative services from specified provisions restricting window sunscreening when such vehicle is used in specified activities; amending s. 316.515, F.S.; revising a limitation on the length of certain trailers issued a special permit by the department to deliver manufactured buildings; amending s. 316.535, F.S.; requiring specified scale tolerances to be applied to weight limits for vehicles on highways that are not in the Interstate Highway System; amending s. 316.545, F.S.; providing for a reduction in the gross weight of certain vehicles equipped with idle-reduction technologies when calculating a penalty for

exceeding maximum weight limits; requiring the operator to provide certification of the weight of the idle-reduction technology and to demonstrate or certify that the idle-reduction technology is fully functional at all times; amending s. 316.605, F.S.; removing a requirement that motorcycle license plates be affixed and displayed in such a manner that the letters and numerals are legible from left to right parallel to the ground; amending s. 318.18; deleting authorization to suspend the driver's license of persons convicted of toll violations; amending 320.03; clarifying the entities that can verify payment of a fine; amending s. 322.27; prohibiting the assignment of points against a driver's license for toll violations; amending s. 334.03, F.S.; revising definitions relating to the Florida Transportation Code; amending s. 334.044, F.S.; revising powers and duties of the Department of Transportation; removing duty to assign jurisdictional responsibility and to designate existing facilities as part of the State Highway System; revising requirements related to conservation of roadside growth; amending s. 334.047, F.S.; removing a provision prohibiting the department from establishing a maximum number of miles of urban principal arterial roads within a district or county; amending s. 334.30, F.S.; providing for public-private partnership's business case to be submitted to the Council on Efficient Government; creating s. 336.445, F.S.; authorizing counties to enter into agreements with private entities for the building, operation, ownership, or financing of toll facilities; requiring public declaration; requiring a public hearing; requiring county to make certain determinations prior to awarding a project; providing requirements for an agreement; amending s. 337.0261, F.S.; providing legislative intent recognizing that construction aggregate materials mining is an industry of critical importance and that the mining of construction aggregate materials is in the public interest; amending s. 337.401, F.S.; revising provisions for rules of the department that provide for the placement of and access to certain electrical transmission lines on the right-of-way of department-controlled roads; authorizing the rules to include that the use of the limited access right-of-way for longitudinal placement of such transmission lines is reasonable based upon consideration of certain economic and environmental factors; defining the term "base-load generating facilities"; amending s. 339.2816, F.S., relating to the Small County Road Assistance Program; providing for resumption of certain funding for the program; revising criteria for program eligibility; revising criteria for prioritization of projects; amending s. 339.2818, F.S., relating to the Small County Outreach Program; revising the purpose of the program to include certain program types; revising eligibility and prioritization criteria; amending s. 339.64, F.S., relating to the Strategic Intermodal System Plan; removing provisions for the Statewide Intermodal Transportation Advisory Council; amending s. 341.071, F.S.; revising requirements for a report by transit providers relating to productivity and performance measures; requiring the report to address the use and effectiveness of high-performance transit systems; amending s. 348.0003, F.S.; providing for financial disclosure for expressway, transportation, bridge, and toll authorities; amending s. 348.51, F.S.; revising the definition of the terms "bonds" and "expressway system" in reference to the Tampa-Hillsborough County Expressway Authority Law; amending s. 348.53, F.S.; providing that the authority is to benefit the Tampa Bay Region; providing that the purpose of the authority includes transit support facilities; amending s. 348.54, F.S.; authorizing the Tampa-Hillsborough County Expressway Authority to make and issue notes, refunding bonds, and other evidences of indebtedness or obligations for specified purposes relating to the expressway system; prohibiting the authority from pledging the credit or taxing power of the state, a political subdivision, or agency; providing that the authority's obligations are not obligations of the state, a political subdivision, or an agency; providing that the state, a political subdivision, or an agency is not liable for the payment of the principal or interest on the authority's obligations; amending s. 348.545, F.S.; authorizing costs of authority improvements to be financed by bonds issued on behalf of the authority pursuant to the State Bond Act or bonds issued by the authority under specified provisions; amending s. 348.56, F.S.; authorizing bonds to be issued on behalf of the authority pursuant to the State Bond Act or issued by the authority under specified provisions; revising requirements for such bonds; requiring the bonds to be sold at public sale; authorizing the authority to negotiate the sale of bonds with underwriters under certain circumstances; amending s. 348.565, F.S.; providing that facilities of the expressway system are approved to be refinanced by the revenue bonds issued by the Division of Bond Finance of the State Board of Administration and the State Bond Act or by revenue bonds issued by the authority; providing that certain projects of the authority are approved for financing or refinancing by revenue bonds; providing an additional project type where the authority may use revenue bonds; amending s. 348.57, F.S.; authorizing the authority to provide for the issuance of

certain bonds for the refunding of bonds outstanding regardless of whether the bonds being refunded were issued by the authority or on behalf of the authority; amending s. 348.70, F.S.; providing that the Tampa-Hillsborough County Expressway Authority Law does not repeal, rescind, or modify any other laws; providing that such law supersedes laws that are inconsistent with the provisions of that law; amending s. 369.317, F.S., relating to Wekiva Parkway; providing that the use of certain lands as environmental mitigation for road-construction-related impacts incurred by certain entities satisfies specified cumulative impact requirements; amending s. 380.06, F.S., relating to developments of regional impact; revising provisions for preapplication procedures for development approval; requiring the level-of-service standards in the transportation methodology applied to a development of regional impact to be the same level-of-service standards used to evaluate concurrency under specified provisions; designating parts I and II of ch. 479, F.S.; creating part III of ch. 479, F.S.; providing legislative intent; providing that the county court and circuit court have concurrent jurisdiction; requiring that all costs incurred by the department to remove signs in certain locations on the interstate highway system, the federal-aid primary highway system, or the State Highway System to be assessed and collected from certain persons under certain conditions; amending s. 705.18, F.S.; removing provisions for disposal of personal property lost or abandoned at certain public-use airports; creating s. 705.182, F.S.; providing for disposal of personal property found on premises owned or controlled by the operator of a public-use airport; providing a timeframe for the property to be claimed; providing options for disposing of such personal property; providing procedures for selling abandoned personal property; providing for notice of sale; permitting airport tenants to establish lost and found procedures; providing that purchaser holds title to the property free of the rights of persons then holding any legal or equitable interest thereto; creating s. 705.183, F.S.; providing for disposition of derelict or abandoned aircraft on the premises of public-use airports; providing procedures for such disposition; requiring a record of when the aircraft is found; defining the terms "derelict aircraft" and "abandoned aircraft"; providing for notification of aircraft owner and all persons having an equitable or legal interest in the aircraft; providing for notice if the owner of the aircraft is unknown or cannot be found; providing for disposition if the aircraft is not removed upon payment of required fees; requiring any sale of the aircraft to be at a public auction; providing notice requirements for such public auction; providing procedures for disposal of the aircraft; providing for liability if charges and costs related to the disposition are more than that obtained from the sale; providing for a lien by the airport for fees and charges; providing for notice of lien; requiring the filing of a claim of lien; providing for the form of the claim of lien; providing for service of the claim of lien; providing that the purchaser of the aircraft takes the property free of rights of persons holding legal or equitable interest in the aircraft; requiring purchaser or recipient to notify the Federal Aviation Administration of change in ownership; providing for disposition of moneys received for an aircraft sold at public sale; authorizing the airport to issue documents relating to the aircraft's disposal; creating s. 705.184, F.S.; providing for disposition of derelict or abandoned motor vehicles on the premises of public-use airports; providing procedures; requiring recording of the abandoned motor vehicle; defining the terms "derelict motor vehicle" and "abandoned motor vehicle"; providing for removal of such motor vehicle from airport premises; providing for notice to the owner, the company insuring the motor vehicle, and any lienholder; providing for disposition if the motor vehicle is not removed upon payment of required fees; requiring any sale of the motor vehicle to be at a public auction; providing notice requirements for such public auction; providing procedures for disposal of the motor vehicle; providing for liability if charges and costs related to the disposition are more than that obtained from the sale; providing for a lien by the airport or a licensed independent wrecker for fees and charges; providing for notice of lien; requiring the filing of a claim of lien; providing for the form of the claim of lien; providing for service of claim of lien; providing that the purchaser of the motor vehicle takes the property free of the rights of persons holding legal or equitable interest in the motor vehicle; amending ss. 288.063, 311.07, 311.09, 316.2122, 316.515, 332.14, 336.01, 338.222, 403.7211, and 479.01, F.S.; correcting cross-references; conforming provisions to changes made by the act; creating the Ronshay Dugans Act; designating the first week in September as "Drowsy Driving Prevention Week"; encouraging the Department of Highway Safety and Motor Vehicles and the Department of Transportation to educate the law enforcement community and the public about the relationship between fatigue and driving performance; authorizing the Northwest Florida Regional Transportation Planning Organization to conduct a study on advancing funds for certain construction projects; authorizing the De-

partment of Transportation to assist with the study; requiring results of the study to be provided to the Governor, the Legislature, and certain entities; providing principles for the study; providing for content of the study; providing for legislative authorization prior to implementation of the study; providing legislative findings with respect to the need to preserve investments in transportation infrastructure and reduce congestion; providing legislative findings with respect to the need to preserve investments in transportation infrastructure and reduce congestion; creating the Florida Transportation Revenue Study Commission for the purpose of studying the state's transportation needs and developing recommendations; requiring that the commission submit a report to the Legislature by a specified date; establishing powers and duties of the commission; providing for membership and authorizing the reimbursement of members for per diem and travel expenses; providing requirements for meetings of the commission; requiring the Center for Urban Transportation Research at the University of South Florida to provide staff support to the commission; providing funding for the commission through federal funds for metropolitan transportation planning; providing an effective date.

Senators Baker, Constantine, Ring, and Gardiner offered the following amendment which was moved by Senator Constantine:

Senate Amendment 1 (367414) (with title amendment) to House Amendment 2—Delete lines 6-142 and insert:

Section 1. Effective upon this act becoming a law, section 341.301, Florida Statutes, is amended to read:

341.301 Definitions; ~~ss. 341.302-341.303 ss. 341.302 and 341.303.~~—As used in ~~ss. 341.302-341.303 ss. 341.302 and 341.303,~~ the term:

- (1) "Branch line continuance project" means a project that involves branch line rehabilitation, new connecting track, rail banking, and other similar types of projects, including those specifically identified in the federal Railroad Revitalization and Regulatory Reform Act of 1976, and subsequent amendments to that act.
- (2) "Intercity rail transportation system" means the network of railroad facilities used or available for interstate and intrastate passenger and freight operations by railroads, whether or not on a schedule or whether or not restricted.
- (3) "Rail programs" means those programs administered by the state or other governmental entities which involve projects affecting the movement of people or goods by rail lines that have been or will be constructed to serve freight or passenger markets within a city or between cities.
- (4) "Rail service development project" means a project undertaken by a public agency to determine whether a new or innovative technique or measure can be utilized to improve or expand rail service. The duration of the project funding shall be limited according to the type of project and in no case shall exceed 3 years. Rail service development projects include those projects and other actions undertaken to enhance railroad operating efficiency or increased rail service, including measures that result in improved speed profiles, operations, or technological applications that lead to reductions in operating costs and increases in productivity or service.
- (5) "Railroad" or "rail system" means any common carrier fixed-guideway transportation system such as the conventional steel rail-supported, steel-wheeled system. The term does not include a high-speed rail line developed by the Department of Transportation pursuant to ss. 341.8201-341.842.
- (6) "Railroad capital improvement project" means a project identified by the rail component of the Florida Transportation Plan, which project involves the leasing, acquisition, design, construction, reconstruction, or improvement to the existing intercity rail transportation system or future segments thereof, including such items as locomotives and other rolling stock, tracks, terminals, and rights-of-way for the continuance or expansion of rail service as necessary to ensure the continued effectiveness of the state's rail facilities and systems in meeting mobility and industrial development needs.
- (7) "Train" means any locomotive engine that is powered by diesel fuel, electricity, or other means, with or without cars coupled thereto, and operated upon a railroad track or any other form of fixed guideway,

except that the term does not include a light rail vehicle such as a streetcar or people mover.

(8) “Commuter rail passenger” or “passengers” means all persons, ticketed or unticketed, using the commuter rail service on a department-owned rail corridor:

(a) On board trains, locomotives, rail cars, or rail equipment employed in commuter rail service or entraining and detraining therefrom;

(b) On or about the rail corridor for any purpose related to the commuter rail service, including, parking, inquiring about commuter rail service, or purchasing tickets therefor, and coming to, waiting for, leaving from, or observing trains, locomotives, rail cars, or rail equipment; or

(c) Meeting, assisting, or in the company of any person described in paragraph (a) or paragraph (b).

(9) “Commuter rail service” means the transportation of commuter rail passengers and other passengers by rail pursuant to a rail program provided by the department or any other governmental entities.

(10) “Rail corridor invitee” means all persons who are on or about a department-owned rail corridor:

(a) For any purpose related to any ancillary development thereon; or

(b) Meeting, assisting, or in the company of any person described in paragraph (a).

(11) “Rail corridor” means a linear contiguous strip of real property that is used for rail service. The term includes the corridor and structures essential to railroad operations, including the land, structures, improvements, rights-of-way, easements, rail lines, rail beds, guideway structures, switches, yards, parking facilities, power relays, switching houses, rail stations, ancillary development, and any other facilities or equipment used for the purposes of construction, operation, or maintenance of a railroad that provides rail service.

(12) “Railroad operations” means the use of the rail corridor to conduct commuter rail service, intercity rail passenger service, or freight rail service.

(13) “Ancillary development” includes any lessee or licensee of the department, including other governmental entities, vendors, retailers, restaurateurs, or contract service providers, within a department-owned rail corridor, except for providers of commuter rail service, intercity rail passenger service, or freight rail service.

(14) “Governmental entity” or “entities” has the same meaning as provided in s. 11.45, including a “public agency” as defined in s. 163.01.

Section 2. Effective upon this act becoming a law, section 341.302, Florida Statutes, is amended to read:

341.302 Rail program, duties and responsibilities of the department.—The department, in conjunction with other governmental entities and the private sector, shall develop and implement a rail program of statewide application designed to ensure the proper maintenance, safety, revitalization, and expansion of the rail system to assure its continued and increased availability to respond to statewide mobility needs. Within the resources provided pursuant to chapter 216, and as authorized under federal law ~~Title 49 C.F.R. part 212~~, the department shall:

(1) Provide the overall leadership, coordination, and financial and technical assistance necessary to assure the effective responses of the state’s rail system to current and anticipated mobility needs.

(2) Promote and facilitate the implementation of advanced rail systems, including high-speed rail and magnetic levitation systems.

(3) Develop and periodically update the rail system plan, on the basis of an analysis of statewide transportation needs.

(a) The plan may contain detailed regional components, consistent with regional transportation plans, as needed to ensure connectivity within the state’s regions, and it shall be consistent with the Florida Transportation Plan developed pursuant to s. 339.155. The rail system plan shall include an identification of priorities, programs, and funding

levels required to meet statewide and regional needs. The rail system plan shall be developed in a manner that will assure the maximum use of existing facilities and the optimum integration and coordination of the various modes of transportation, public and private, in the most cost-effective manner possible. The rail system plan shall be updated at least every 5 2 years and include plans for both passenger rail service and freight rail service, accompanied by a report to the Legislature regarding the status of the plan.

(b) In recognition of the department’s role in the enhancement of the state’s rail system to improve freight and passenger mobility, the department shall:

1. Continue to work closely with all affected communities, including, but not limited to, the City of Lakeland, the City of Plant City, and Polk County, to identify and address anticipated impacts associated with an increase in freight rail traffic;

2. In coordination with the affected local governments and CSX Transportation, Inc., finalize all viable alternatives from the department’s Rail Traffic Evaluation Study to identify and develop an alternative route for through-freight rail traffic moving through Central Florida, including Polk and Hillsborough Counties. Following the completion of the department’s alternative rail traffic evaluation, the department shall begin a project development and environmental study that must be reviewed and approved by appropriate federal agencies so that a preferred alternative can be identified which minimizes the impacts associated with freight rail movements along the corridor. This preferred alternative shall become the basis for future development of this freight rail corridor and, with a priority ranking from the Polk Transportation Planning Organization, or its successor, shall be programmed for funding in the department’s work program in a fiscal year no later than 10 years from commencement of construction of the CSX Integrated Logistics Center; and

3. Provide technical assistance to a coalition of local governments in Central Florida, including the counties of Brevard, Citrus, Hernando, Hillsborough, Lake, Marion, Orange, Osceola, Pasco, Pinellas, Polk, Manatee, Sarasota, Seminole, Sumter, and Volusia, and the municipalities within those counties, to develop a regional rail system plan that addresses passenger and freight opportunities in the region, is consistent with the Florida Rail System Plan, and incorporates appropriate elements of the Tampa Bay Area Regional Authority Master Plan, the Metroplan Orlando Regional Transit System Concept Plan, including the Sunrail project, and the Florida Department of Transportation Alternate Rail Traffic Evaluation.

(4) As part of the work program of the department, formulate a specific program of projects and financing to respond to identified railroad needs.

(5) Provide technical and financial assistance to units of local government to address identified rail transportation needs.

(6) Secure and administer federal grants, loans, and apportionments for rail projects within this state when necessary to further the statewide program.

(7) Develop and administer state standards concerning the safety and performance of rail systems, hazardous material handling, and operations. Such standards shall be developed jointly with representatives of affected rail systems, with full consideration given to nationwide industry norms, and shall define the minimum acceptable standards for safety and performance.

(8) Conduct, at a minimum, inspections of track and rolling stock; train signals and related equipment; hazardous materials transportation, including the loading, unloading, and labeling of hazardous materials at shippers’, receivers’, and transfer points; and train operating practices to determine adherence to state and federal standards. Department personnel may enforce any safety regulation issued under the Federal Government’s preemptive authority over interstate commerce.

(9) Assess penalties, in accordance with the applicable federal regulations, for the failure to adhere to the state standards.

(10) Administer rail operating and construction programs, which programs shall include the regulation of maximum train operating speeds, the opening and closing of public grade crossings, the construction and rehabilitation of public grade crossings, and the installation of

traffic control devices at public grade crossings, the administering of the programs by the department including participation in the cost of the programs.

(11) Coordinate and facilitate the relocation of railroads from congested urban areas to nonurban areas when relocation has been determined feasible and desirable from the standpoint of safety, operational efficiency, and economics.

(12) Implement a program of branch line continuance projects when an analysis of the industrial and economic potential of the line indicates that public involvement is required to preserve essential rail service and facilities.

(13) Provide new rail service and equipment when:

(a) Pursuant to the transportation planning process, a public need has been determined to exist;

(b) The cost of providing such service does not exceed the sum of revenues from fares charged to users, services purchased by other public agencies, local fund participation, and specific legislative appropriation for this purpose; and

(c) Service cannot be reasonably provided by other governmental or privately owned rail systems.

The department may own, lease, and otherwise encumber facilities, equipment, and appurtenances thereto, as necessary to provide new rail services; or the department may provide such service by contracts with privately owned service providers.

(14) Furnish required emergency rail transportation service if no other private or public rail transportation operation is available to supply the required service and such service is clearly in the best interest of the people in the communities being served. Such emergency service may be furnished through contractual arrangement, actual operation of state-owned equipment and facilities, or any other means determined appropriate by the secretary.

(15) Assist in the development and implementation of marketing programs for rail services and of information systems directed toward assisting rail systems users.

(16) Conduct research into innovative or potentially effective rail technologies and methods and maintain expertise in state-of-the-art rail developments.

(17) *In conjunction with the acquisition, ownership, construction, operation, maintenance, and management of a rail corridor, have the authority to:*

(a) *Assume the obligation by contract to forever protect, defend, indemnify, and hold harmless the freight rail operator, or its successors, from whom the department has acquired a real property interest in the rail corridor, and that freight rail operator's officers, agents, and employees, from and against any liability, cost, and expense, including, but not limited to, commuter rail passengers, rail corridor invitees, and trespassers in the rail corridor, regardless of whether the loss, damage, destruction, injury, or death giving rise to any such liability, cost, or expense is caused in whole or in part, and to whatever nature or degree, by the fault, failure, negligence, misconduct, nonfeasance, or misfeasance of such freight rail operator, its successors, or its officers, agents, and employees, or any other person or persons whomsoever, provided that such assumption of liability of the department by contract shall not in any instance exceed the following parameters of allocation of risk:*

1. *The department may be solely responsible for any loss, injury, or damage to commuter rail passengers, rail corridor invitees, or trespassers, regardless of circumstances or cause, subject to subparagraphs 2., 3., and 4.*

2. *When only one train is involved in an incident, the department may be solely responsible for any loss, injury, or damage if the train is a department train or other train pursuant to subparagraph 3., but only if in an instance when only a freight rail operator train is involved, the freight rail operator is solely responsible for any loss, injury, or damage, except for commuter rail passengers, rail corridor invitees, and trespassers, and the freight rail operator is solely responsible for its property*

and all of its people in any instance when its train is involved in an incident.

3. *For the purposes of this subsection, any train involved in an incident that is neither the department's train nor the freight rail operator's train, hereinafter referred to in this subsection as an "other train," may be treated as a department train, solely for purposes of any allocation of liability between the department and the freight rail operator only, but only if the department and the freight rail operator share responsibility equally as to third parties outside the rail corridor who incur loss, injury, or damage as a result of any incident involving both a department train and a freight rail operator train, and the allocation as between the department and the freight rail operator, regardless of whether the other train is treated as a department train, shall remain one-half each as to third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident. The involvement of any other train shall not alter the sharing of equal responsibility as to third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident.*

4. *When more than one train is involved in an incident:*

a. *If only a department train and freight rail operator's train, or only another train as described in subparagraph 3. and a freight rail operator's train, are involved in an incident, the department may be responsible for its property and all of its people, all commuter rail passengers, rail corridor invitees, and trespassers, but only if the freight rail operator is responsible for its property and all of its people, and the department and the freight rail operator each share one-half responsibility as to third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident.*

b. *If a department train, a freight rail operator train, and any other train are involved in an incident, the allocation of liability between the department and the freight rail operator, regardless of whether the other train is treated as a department train, shall remain one-half each as to third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident. The involvement of any other train shall not alter the sharing of equal responsibility as to third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident, and, if the owner, operator, or insurer of the other train makes any payment to injured third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident, the allocation of credit between the department and the freight rail operator as to such payment shall not in any case reduce the freight rail operator's third-party-sharing allocation of one-half under this paragraph to less than one-third of the total third-party liability.*

5. *Any such contractual duty to protect, defend, indemnify, and hold harmless such a freight rail operator shall expressly include a specific cap on the amount of the contractual duty, which amount shall not exceed \$200 million without prior legislative approval, and the department shall purchase liability insurance and establish a self-insurance retention fund in the amount of the specific cap established under this subparagraph, provided that:*

a. *No such contractual duty shall in any case be effective or otherwise extend the department's liability in scope and effect beyond the contractual liability insurance and self-insurance retention fund required pursuant to this paragraph; and*

b. *The freight rail operator's compensation to the department for future use of the department's rail corridor shall include a monetary contribution to the cost of such liability coverage for the sole benefit of the freight rail operator.*

(b) *Purchase liability insurance, which amount shall not exceed \$200 million, and establish a self-insurance retention fund for the purpose of paying the deductible limit established in the insurance policies it may obtain, including coverage for the department, any freight rail operator as described in paragraph (a), commuter rail service providers, governmental entities, or ancillary development. The insureds shall pay a reasonable monetary contribution to the cost of such liability coverage for the sole benefit of the insured. Such insurance and self-insurance retention fund may provide coverage for all damages, including, but not limited to, compensatory, special, and exemplary, and be maintained to provide an adequate fund to cover claims and liabilities for loss, injury, or damage arising out of or connected with the ownership, operation, maintenance, and management of a rail corridor.*

(c) *Incur expenses for the purchase of advertisements, marketing, and promotional items.*

Neither the assumption by contract to protect, defend, indemnify, and hold harmless; the purchase of insurance; nor the establishment of a self-insurance retention fund shall be deemed to be a waiver of any defense of sovereign immunity for torts nor deemed to increase the limits of the department's or the governmental entity's liability for torts as provided in s. 768.28. The requirements of s. 287.022(1) shall not apply to the purchase of any insurance hereunder. The provisions of this subsection shall apply and inure fully as to any other governmental entity providing commuter rail service and constructing, operating, maintaining, or managing a rail corridor on publicly owned right-of-way under contract by the governmental entity with the department or a governmental entity designated by the department. Notwithstanding any law to the contrary, procurement for the construction, operation, maintenance, and management of any rail corridor described in this subsection, whether by the department, a governmental entity under contract with the department, or a governmental entity designated by the department, shall be pursuant to s. 287.057 and shall include, but not be limited to, criteria for the consideration of qualifications, technical aspects of the proposal, and price. Further, any such contract for design-build shall be procured pursuant to the criteria in s. 337.11(7).

(18) (47) Exercise such other functions, powers, and duties in connection with the rail system plan as are necessary to develop a safe, efficient, and effective statewide transportation system.

Section 3. *Effective upon this act becoming a law, the Department of Transportation may complete an escrowed closing on the pending Central Florida Rail Corridor acquisition; however, the drawdown of such escrowed closing shall not occur unless and until final Federal Transit Administration full-funding grant agreement approval is obtained for the proposed Central Florida Commuter Rail Transit Project Initial Operating Segment.*

Section 4. Effective upon this act becoming a law, subsection (1) of section 212.0606, Florida Statutes, is amended to read:

212.0606 Rental car surcharge.—

(1)(a) A surcharge of \$2.00 per day or any part of a day is imposed upon the lease or rental of a motor vehicle licensed for hire and designed to carry less than nine passengers regardless of whether such motor vehicle is licensed in Florida. The surcharge applies to only the first 30 days of the term of any lease or rental. The surcharge is subject to all applicable taxes imposed by this chapter.

(b) *A county with a population of at least 1,250,000 and at least 25 municipalities may impose a county surcharge of \$2 per day or any part of a day upon the lease or rental of a motor vehicle licensed for hire and designed to carry fewer than nine passengers, regardless of whether such motor vehicle is licensed in Florida. The county surcharge applies to only the first 30 days of the term of any lease or rental. The county surcharge is subject to all applicable taxes imposed by this chapter. The county surcharge is subject to the following conditions:*

1. *The county surcharge may be used solely to fund the transportation needs of the county as determined by the county commission.*

2. *The county surcharge may be imposed only by a super majority vote of the county commission.*

3. *The county commission shall, by a super majority vote at the same meeting at which the county surcharge was authorized, also designate the account or fund into which the proceeds from the county surcharge shall be deposited.*

4. *All funds collected from the county surcharge shall be deposited into the designated account or fund, subject to the applicable taxes imposed by this chapter.*

5. *Funds deposited into the account or fund must be used solely for the purpose of funding transportation needs as determined by the county commission.*

6. *After the county commission votes to impose a county surcharge, the county surcharge shall be applied on the first day of the month following the vote.*

7. *The authority to impose the county surcharge approved by the county commission is effective immediately after the vote and is valid until the next business day following the 2014 general election.*

8. *The county commission that approved the county surcharge shall cause the question to be placed on the ballot for a vote by the electors of that county on or before the 2014 general election.*

9. *If a majority of the voters of the county vote in favor of the referendum approving the continuation of the county surcharge, the surcharge continues to be valid.*

10. *If a majority of the voters of the county vote against the referendum approving the continuation of the county surcharge, the county surcharge shall cease to be effective on the next business day following the election.*

And the title is amended as follows:

Delete lines 2872-2892 and insert: An act relating to transportation; amending s. 341.301, F.S.; providing definitions relating to commuter rail service, rail corridors, and railroad operation for purposes of the rail program within the Department of Transportation; amending s. 341.302, F.S.; revising certain citations; revising the time period within which the department must revise the rail system plan and requiring a report; providing additional duties for the department relating to a regional rail system plan; authorizing the department to assume certain liability on a rail corridor; authorizing the department to indemnify and hold harmless a railroad company when the department acquires a rail corridor from the company; providing allocation of risk; providing a specific cap on the amount of the contractual duty for such indemnification; authorizing the department to purchase and provide insurance in relation to rail corridors; authorizing marketing and promotional expenses; extending provisions to other governmental entities providing commuter rail service on public right-of-way; prescribing procurement requirements and criteria related to a rail corridor; authorizing an escrowed closing of the pending Central Florida Rail Corridor acquisition; amending s. 212.0606, F.S.; authorizing certain counties to impose a county surcharge upon the lease or rental of a motor vehicle licensed for hire; requiring that the county surcharge be used solely to fund the transportation needs of the county as determined by the county commission; requiring the county commission to place the county surcharge on the ballot for a vote by the electors; amending s.

On motion by Senator Baker, further consideration of **CS for SB 582** with pending **Senate Amendment 1 to House Amendment 2** was deferred.

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has adopted HCR 8005 by the required constitutional three-fifths vote of the members present and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

By Representative Galvano—

HCR 8005—House Concurrent Resolution A concurrent resolution extending the 2009 Regular Session of the Florida Legislature under the authority of Article III, Section 3(d) of the State Constitution.

WHEREAS, the 60 days of the 2009 Regular Session of the Florida Legislature will expire on May 1, 2009, and the necessary tasks of the session have not been completed, NOW, THEREFORE,

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

That the 2009 Regular Session of the Florida Legislature is extended until 6:00 p.m., Friday, May 8, 2009, under the authority of Article III, Section 3(d) of the State Constitution.

BE IT FURTHER RESOLVED that the regular session so extended shall consider only the following matters:

(1) Senate Bill 2600, the general appropriations bill, or any Senate and House Conference Committee Report thereon.

(2) Senate Bill 2602, the appropriations implementing bill, or any Senate and House Conference Committee Report thereon.

(3) Any bill, or any Senate and House Conference Committee Report thereon, under consideration before Saturday, May 2, 2009, by a Conference Committee appointed by each house.

BE IT FURTHER RESOLVED that all other measures in both houses are indefinitely postponed and withdrawn from consideration of the respective house as of 12:00 a.m., Saturday, May 2, 2009.

BE IT FURTHER RESOLVED that upon recess or adjournment Friday, May 1, 2009, either house may reconvene upon the call of its presiding officer.

On motion by Senator Villalobos, **HCR 8005** was read the first time by title. On motion by Senator Villalobos, by two-thirds vote **HCR 8005** was read the second time in full, adopted by the required constitutional three-fifths vote of the members present and voting and certified to the House. The vote on adoption was:

Yeas—38

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

Nays—None

MOTION

On motion by Senator Villalobos, the rules were waived and time of recess was extended until 8:00 p.m.

The Senate resumed consideration of the returning message on—

CS for SB 582—A bill to be entitled An act relating to transportation; providing legislative findings with respect to the need to preserve investments in transportation infrastructure and reduce congestion; creating the Florida Transportation Revenue Study Commission for the purpose of studying the state’s transportation needs and developing recommendations; requiring that the commission submit a report to the Legislature by a specified date; establishing powers and duties of the commission; providing for membership and authorizing the reimbursement of members for per diem and travel expenses; providing requirements for meetings of the commission; requiring the Center for Urban Transportation Research at the University of South Florida to provide staff support to the commission; requiring that the Department of Transportation direct a study for certain purposes; requiring that such study include and address certain elements; requiring that recommendations be delivered to the President of the Senate and the Speaker of the House of Representatives by a specified date; providing funding for the commission through federal funds for metropolitan transportation planning; amending s. 316.535, F.S.; requiring specified scale tolerances to be applied to weight limits for vehicles on highways that are not in the Interstate Highway System; amending s. 334.30, F.S.; authorizing the department to lease existing toll facilities through public-private partnerships, subject to approval by the Legislature; amending s. 339.2818, F.S.; relating to the Small County Outreach Program; revising the purpose of the program to include certain program types; revising eligibility and prioritization criteria; authorizing the Northwest Florida Regional Transportation Planning Organization to conduct a study on advancing funds for certain construction projects; authorizing the Department of Transportation to assist with the study; requiring results of the study to be provided to the Governor, the Leg-

islature, and certain entities; providing principles for the study; providing for content of the study; providing for legislative authorization prior to implementation of the study; amending s. 316.545, F.S.; providing for a reduction in the gross weight of certain vehicles equipped with idle-reduction technologies when calculating a penalty for exceeding maximum weight limits; requiring the operator to provide certification of the weight of the idle-reduction technology and to demonstrate or certify that the idle-reduction technology is fully functional at all times; amending s. 334.044, F.S.; revising the powers and duties of the Department of Transportation; amending s. 339.62, F.S.; providing that certain intermodal logistics centers are components of the Strategic Intermodal System; amending s. 339.63, F.S.; providing that certain intermodal logistics centers are included within the Strategic Intermodal System and the Emerging Strategic Intermodal System; directing the Secretary of Transportation to designate certain intermodal logistics centers as part of the Strategic Intermodal System; creating an exemption for certain proposed affordable housing developments from transportation concurrency requirements; amending s. 316.1895, F.S., authorizing alternative installation of “Speeding Fines Doubled” signs in advance of school zones; amending s. 338.01, F.S.; prohibiting new toll facilities from eliminating non-tolled options for travel in the same corridor; creating the Ronshay Dugans Act; designating the first week in September as “Drowsy Driving Prevention Week”; amending s. 337.401, F.S.; providing for the placement of and access to transmission lines that are adjacent to and within the right-of-way of any public road controlled by the Department of Transportation; amending s. 163.3180, F.S.; providing a definition for “backlog”; amending s. 348.0003, F.S.; providing that members of certain authorities are subject to specified financial disclosure requirements; amending s. 348.0004, F.S.; authorizing any expressway authority, transportation authority, bridge authority, or toll authority, subject to the approval of the Legislature, for any existing facility, to receive or solicit proposals and enter into agreements with private entities, or consortia thereof, for the building, operation, ownership, or financing of authority transportation facilities; providing an effective date.

—which was previously considered this day with pending **Senate Amendment 1 (367414)** to **House Amendment 2 (797855)** by Senator Constantine.

Senate Amendment 1 to House Amendment 2 failed. The vote was:

Yeas—16

Mr. President	Diaz de la Portilla	Pruitt
Alexander	Fasano	Richter
Altman	Gaetz	Ring
Baker	Garcia	Smith
Bullard	Gardiner	
Constantine	Haridopolos	

Nays—23

Aronberg	Jones	Rich
Bennett	Joyner	Siplin
Crist	Justice	Sobel
Dean	King	Storms
Detert	Lawson	Villalobos
Deutch	Lynn	Wilson
Dockery	Oelrich	Wise
Gelber	Peaden	

Senator Baker moved the following amendment which was adopted:

Senate Amendment 2 (559858) (with title amendment) to House Amendment 2—Delete lines 461-497.

And the title is amended as follows:

Delete lines 2900-2902 and insert: Amending 316.1895, F.S.;

Senator Aronberg moved the following amendment which was adopted:

Senate Amendment 3 (284386) to House Amendment 2—Delete line 1104 and insert:

(a) Is in the public's best interest. *If the project includes an existing toll facility, the best interest of the public must be evidenced by a*

Senator Baker moved the following amendment which was adopted:

Senate Amendment 4 (517962) (with title amendment) to House Amendment 2—Delete lines 1688-1690 and insert:

Section 34. Subsections (4) and (6) of section 369.317, Florida Statutes, are amended to read:

369.317 Wekiva Parkway.—

(4) Access to properties adjacent to SR 46 shall be maintained through appropriate neighborhood streets or frontage roads integrated into the parkway design. *Neither the construction of a new toll facility nor the imposition of a toll on an existing state highway system facility may eliminate a nontolled alternative within the corridor serving similar origins and destinations.*

And the title is amended as follows:

Delete line 3025 and insert: relating to Wekiva Parkway; providing that an nontolled, alternative route within the Wekiva Parkway does not become a tolled route under certain conditions; providing that the use of

On motion by Senator Baker, the Senate concurred in **House Amendment 2** as amended and requested the House to concur in the Senate Amendments to the House Amendment.

CS for SB 582 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—25

Mr. President	Gaetz	Richter
Aronberg	Garcia	Ring
Baker	Gelber	Smith
Bennett	Joyner	Sobel
Bullard	Justice	Storms
Dean	Lawson	Wilson
Detert	Oelrich	Wise
Deutch	Peaden	
Fasano	Rich	

Nays—7

Constantine	Jones	Villalobos
Crist	Lynn	
Dockery	Siplin	

Vote after roll call:

Yea—Alexander, Altman, Gardiner, King

Nay to Yea—Crist

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendments 1, 2, 3, 4, 5 and 6 to House Amendment 1 to CS for CS for SB 360 and requests the Senate to recede.

Robert L. "Bob" Ward, Clerk

CS for CS for SB 360—A bill to be entitled An act relating to growth management; providing a short title; amending s. 163.3164, F.S.; revising definitions; providing a definition for the term "dense urban land area"; amending s. 163.3177, F.S.; extending dates relating to requirements for adopting amendments to the capital improvements element of a local comprehensive plan; deleting a penalty for local governments that fail to adopt a public school facilities element and interlocal agreement; authorizing the state land planning agency to issue a notice to a school board or local government to show cause for not imposing sanctions; requiring that the state land planning agency submit its findings to the Administration Commission within the Executive Office of the Governor if the agency finds insufficient cause to impose sanctions; authorizing the

Administration Commission to impose certain sanctions; amending s. 163.3180, F.S.; revising concurrency requirements; providing legislative findings relating to transportation concurrency exception areas; providing for the applicability of transportation concurrency exception areas; deleting certain requirements for transportation concurrency exception areas; providing that the designation of a transportation concurrency exception area does not limit a local government's home rule power to adopt ordinances or impose fees and does not affect any contract or agreement entered into or development order rendered before such designation; requiring the Office of Program Policy Analysis and Government Accountability to submit a report to the Legislature concerning the effects of the transportation concurrency exception areas; providing for an exemption from level-of-service standards for proposed development related to qualified job-creation projects; amending s. 163.3184, F.S.; clarifying the definition of the term "in compliance"; conforming cross-references; amending s. 163.3187, F.S.; exempting certain additional comprehensive plan amendments from the twice-per-year limitation; limiting the adoption of certain amendments to the text of a plan to once per calendar year; amending s. 163.3246, F.S.; conforming a cross-reference; amending s. 163.32465, F.S.; revising provisions relating to the state review of comprehensive plans; providing for additional types of amendments to which the alternate state review applies; requiring that agencies submit comments within a specified period after the state land planning agency notifies the local government that the plan amendment package is complete; requiring that the local government adopt a plan amendment within a specified period after comments are received; requiring that the state land planning agency adopt rules; deleting provisions relating to reporting requirements for the Office of Program Policy Analysis and Government Accountability; amending s. 380.06, F.S.; providing exemptions for dense urban land areas from the development-of-regional-impact program; providing exceptions; amending s. 163.31801, F.S.; revising provisions relating to impact fees; providing that notice is not required if an impact fee is decreased, suspended, or eliminated; amending s. 171.091, F.S.; requiring that a municipality submit a copy of any revision to the charter boundary article which results from an annexation or contraction to the Office of Economic and Demographic Research within the Legislature; amending s. 186.509, F.S.; revising provisions relating to a dispute resolution process to reconcile differences on planning and growth management issues between certain parties of interest; providing for mandatory mediation; providing that the act fulfills an important state interest; providing an effective date.

Senator Bennett moved the following amendment which was adopted:

Senate Amendment 7 (478902) (with title amendment) to House Amendment 1—Between lines 1201 and 1202 insert:

Section 16. Subsection (4) of section 159.807, Florida Statutes, is amended to read:

159.807 State allocation pool.—

(4)(a) The state allocation pool shall also be used to provide written confirmations for private activity bonds that are to be issued by state agencies, which bonds, notwithstanding any other provisions of this part, shall receive priority in the use of the pool available at the time the notice of intent to issue such bonds is filed with the division.

(b) *Notwithstanding the provisions of paragraph (a), on or before November 15 of each year, the Florida Housing Finance Corporation's access to the state allocation pool is limited to the amount of the corporation's initial allocation under s. 159.804. Thereafter, the corporation may not receive more than 80 percent of the amount in the state allocation pool on November 16 of each year, and may not receive more than 80 percent of any additional amounts that become available during each year. The limitations of this paragraph do not apply to the distribution of the unused allocation of the state volume limitation to the Florida Housing Finance Corporation under s. 159.81(2)(b), (c), and (d). This subsection does not apply to the Florida Housing Finance Corporation:*

~~1. Until its allocation pursuant to s. 159.804(3) has been exhausted, is unavailable, or is inadequate to provide an allocation pursuant to s. 159.804(3) and any carryforwards of volume limitation from prior years for the same carryforward purpose, as that term is defined in s. 146 of the Code, as the bonds it intends to issue have been completely utilized or have expired.~~

~~2. Prior to July 1 of any year, when housing bonds for which the Florida Housing Finance Corporation has made an assignment of its allocation permitted by s. 159.804(3)(c) have not been issued.~~

Section 17. Section 193.018, Florida Statutes, is created to read:

193.018 Land owned by a community land trust used to provide affordable housing; assessment; structural improvements, condominium parcels, and cooperative parcels.—

(1) As used in this section, the term “community land trust” means a nonprofit entity that is qualified as charitable under s. 501(c)(3) of the Internal Revenue Code and has as one of its purposes the acquisition of land to be held in perpetuity for the primary purpose of providing affordable homeownership.

(2) A community land trust may convey structural improvements, condominium parcels, or cooperative parcels, that are located on specific parcels of land that are identified by a legal description contained in and subject to a ground lease having a term of at least 99 years, for the purpose of providing affordable housing to natural persons or families who meet the extremely-low-income, very-low-income, low-income, or moderate-income limits specified in s. 420.0004, or the income limits for workforce housing, as defined in s. 420.5095(3). A community land trust shall retain a preemptive option to purchase any structural improvements, condominium parcels, or cooperative parcels on the land at a price determined by a formula specified in the ground lease which is designed to ensure that the structural improvements, condominium parcels, or cooperative parcels remain affordable.

(3) In arriving at just valuation under s. 193.011, a structural improvement, condominium parcel, or cooperative parcel providing affordable housing on land owned by a community land trust, and the land owned by a community land trust that is subject to a 99-year or longer ground lease, shall be assessed using the following criteria:

(a) The amount a willing purchaser would pay a willing seller for the land is limited to an amount commensurate with the terms of the ground lease that restricts the use of the land to the provision of affordable housing in perpetuity.

(b) The amount a willing purchaser would pay a willing seller for resale-restricted improvements, condominium parcels, or cooperative parcels is limited to the amount determined by the formula in the ground lease.

(c) If the ground lease and all amendments and supplements thereto, or a memorandum documenting how such lease and amendments or supplements restrict the price at which the improvements, condominium parcels, or cooperative parcels may be sold, is recorded in the official public records of the county in which the leased land is located, the recorded lease and any amendments and supplements, or the recorded memorandum, shall be deemed a land use regulation during the term of the lease as amended or supplemented.

Section 18. Subsection (5) is added to section 196.196, Florida Statutes, to read:

196.196 Determining whether property is entitled to charitable, religious, scientific, or literary exemption.—

(5)(a) Property owned by an exempt organization qualified as charitable under s. 501(c)(3) of the Internal Revenue Code is used for a charitable purpose if the organization has taken affirmative steps to prepare the property to provide affordable housing to persons or families that meet the extremely-low-income, very-low-income, low-income, or moderate-income limits, as specified in s. 420.0004. The term “affirmative steps” means environmental or land use permitting activities, creation of architectural plans or schematic drawings, land clearing or site preparation, construction or renovation activities, or other similar activities that demonstrate a commitment of the property to providing affordable housing.

(b)1. If property owned by an organization granted an exemption under this subsection is transferred for a purpose other than directly providing affordable homeownership or rental housing to persons or families who meet the extremely-low-income, very-low-income, low-income, or moderate-income limits, as specified in s. 420.0004, or is not in actual use to provide such affordable housing within 5 years after the date the

organization is granted the exemption, the property appraiser making such determination shall serve upon the organization that illegally or improperly received the exemption a notice of intent to record in the public records of the county a notice of tax lien against any property owned by that organization in the county, and such property shall be identified in the notice of tax lien. The organization owning such property is subject to the taxes otherwise due and owing as a result of the failure to use the property to provide affordable housing plus 15 percent interest per annum and a penalty of 50 percent of the taxes owed.

2. Such lien, when filed, attaches to any property identified in the notice of tax lien owned by the organization that illegally or improperly received the exemption. If such organization no longer owns property in the county but owns property in any other county in the state, the property appraiser shall record in each such other county a notice of tax lien identifying the property owned by such organization in such county which shall become a lien against the identified property. Before any such lien may be filed, the organization so notified must be given 30 days to pay the taxes, penalties, and interest.

3. If an exemption is improperly granted as a result of a clerical mistake or an omission by the property appraiser, the organization improperly receiving the exemption shall not be assessed a penalty or interest.

4. The 5-year limitation specified in this subsection may be extended if the holder of the exemption continues to take affirmative steps to develop the property for the purposes specified in this subsection.

Section 19. Section 196.1978, Florida Statutes, is amended to read:

196.1978 Affordable housing property exemption.—Property used to provide affordable housing serving eligible persons as defined by s. 159.603(7) and natural persons or families meeting the extremely-low-income, very-low-income, low-income, or moderate-income ~~persons meeting income~~ limits specified in s. 420.0004 ~~s. 420.0004(8), (10), (11), and (15)~~, which property is owned entirely by a nonprofit entity that is a corporation not for profit, qualified as charitable under s. 501(c)(3) of the Internal Revenue Code and in compliance with Rev. Proc. 96-32, 1996-1 C.B. 717, or a Florida-based limited partnership, the sole general partner of which is a corporation not for profit which is qualified as charitable under s. 501(c)(3) of the Internal Revenue Code and which complies with Rev. Proc. 96-32, 1996-1 C.B. 717, shall be considered property owned by an exempt entity and used for a charitable purpose, and those portions of the affordable housing property which provide housing to natural persons or families classified as extremely low income, very low income, low income, or moderate income under s. 420.0004 ~~individuals with incomes as defined in s. 420.0004(10) and (15)~~ shall be exempt from ad valorem taxation to the extent authorized in s. 196.196. All property identified in this section shall comply with the criteria for determination of exempt status to be applied by property appraisers on an annual basis as defined in s. 196.195. The Legislature intends that any property owned by a limited liability company or limited partnership which is disregarded as an entity for federal income tax purposes pursuant to Treasury Regulation 301.7701-3(b)(1)(ii) shall be treated as owned by its sole member or sole general partner.

Section 20. Paragraph (d) of subsection (2) of section 212.055, Florida Statutes, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

(d)1. The proceeds of the surtax authorized by this subsection and any accrued interest ~~accrued thereto~~ shall be expended by the school district, or within the county and municipalities within the county, or, in the case of a negotiated joint county agreement, within another county, to finance, plan, and construct infrastructure; ~~and~~ to acquire land for

public recreation, or conservation, or protection of natural resources; or ~~and~~ to finance the closure of county-owned or municipally owned solid waste landfills that ~~have been~~ ~~are already~~ closed or are required to be closed ~~close~~ by order of the Department of Environmental Protection. Any use of ~~the~~ ~~such~~ proceeds or interest for purposes of landfill closure ~~before~~ ~~prior~~ to July 1, 1993, is ratified. ~~Neither~~ The proceeds ~~and~~ ~~nor~~ any interest ~~may not~~ ~~accrued~~ ~~thereto~~ shall be used for the operational expenses of ~~any~~ infrastructure, except that ~~a~~ ~~any~~ county ~~that has~~ ~~with~~ a population of ~~fewer~~ ~~less~~ than 75,000 ~~and~~ that is required to close a landfill ~~by order of the Department of Environmental Protection~~ may use the proceeds or ~~any~~ interest ~~accrued~~ ~~thereto~~ for long-term maintenance costs associated with landfill closure. Counties, as defined in s. 125.011 ~~or~~ ~~125.011(1)~~, and charter counties may, in addition, use the proceeds ~~or~~ ~~and~~ any interest ~~accrued~~ ~~thereto~~ to retire or service indebtedness incurred for bonds issued ~~before~~ ~~prior~~ to July 1, 1987, for infrastructure purposes, and for bonds subsequently issued to refund such bonds. Any use of ~~the~~ ~~such~~ proceeds or interest for purposes of retiring or servicing indebtedness incurred for ~~such~~ refunding bonds ~~before~~ ~~prior~~ to July 1, 1999, is ratified.

1. 2- For the purposes of this paragraph, the term “infrastructure” means:

a. Any fixed capital expenditure or fixed capital outlay associated with the construction, reconstruction, or improvement of public facilities that have a life expectancy of 5 or more years and any *related* land acquisition, land improvement, design, and engineering costs ~~related thereto~~.

b. A fire department vehicle, an emergency medical service vehicle, a sheriff's office vehicle, a police department vehicle, or any other vehicle, and ~~the~~ ~~such~~ equipment necessary to outfit the vehicle for its official use or equipment that has a life expectancy of at least 5 years.

c. Any expenditure for the construction, lease, or maintenance of, or provision of utilities or security for, facilities, as defined in s. 29.008.

d. Any fixed capital expenditure or fixed capital outlay associated with the improvement of private facilities that have a life expectancy of 5 or more years and that the owner agrees to make available for use on a temporary basis as needed by a local government as a public emergency shelter or a staging area for emergency response equipment during an emergency officially declared by the state or by the local government under s. 252.38. Such improvements ~~under this sub-subparagraph~~ are limited to those necessary to comply with current standards for public emergency evacuation shelters. The owner ~~must~~ ~~shall~~ enter into a written contract with the local government providing the improvement funding to make ~~the~~ ~~such~~ private facility available to the public for purposes of emergency shelter at no cost to the local government for a minimum ~~period~~ of 10 years after completion of the improvement, with the provision that ~~the~~ ~~such~~ obligation will transfer to any subsequent owner until the end of the minimum period.

e. *Any land-acquisition expenditure for a residential housing project in which at least 30 percent of the units are affordable to individuals or families whose total annual household income does not exceed 120 percent of the area median income adjusted for household size, if the land is owned by a local government or by a special district that enters into a written agreement with the local government to provide such housing. The local government or special district may enter into a ground lease with a public or private person or entity for nominal or other consideration for the construction of the residential housing project on land acquired pursuant to this sub-subparagraph.*

2. 3- Notwithstanding any other provision of this subsection, a local government infrastructure ~~discretionary~~ sales surtax imposed or extended after July 1, 1998, ~~the effective date of this act~~ may allocate up to ~~provide for an amount not to exceed~~ 15 percent of the local option sales surtax proceeds ~~to be allocated~~ for deposit ~~in to~~ a trust fund within the county's accounts created for the purpose of funding economic development projects ~~having~~ ~~of~~ a general public purpose of ~~improving~~ ~~targeted~~ ~~to improve~~ local economies, including the funding of operational costs and incentives related to ~~such~~ economic development. The ballot statement must indicate the intention to make an allocation under the authority of this subparagraph.

Section 21. Subsection (2) of section 163.3202, Florida Statutes, is amended to read:

163.3202 Land development regulations.—

(2) Local land development regulations shall contain specific and detailed provisions necessary or desirable to implement the adopted comprehensive plan and shall as a minimum:

(a) Regulate the subdivision of land. †

(b) Regulate the use of land and water for those land use categories included in the land use element and ensure the compatibility of adjacent uses and provide for open space. †

(c) Provide for protection of potable water wellfields. †

(d) Regulate areas subject to seasonal and periodic flooding and provide for drainage and stormwater management. †

(e) Ensure the protection of environmentally sensitive lands designated in the comprehensive plan. †

(f) Regulate signage. †

(g) Provide that public facilities and services meet or exceed the standards established in the capital improvements element required by s. 163.3177 and are available when needed for the development, or that development orders and permits are conditioned on the availability of these public facilities and services necessary to serve the proposed development. Not later than 1 year after its due date established by the state land planning agency's rule for submission of local comprehensive plans pursuant to s. 163.3167(2), a local government shall not issue a development order or permit which results in a reduction in the level of services for the affected public facilities below the level of services provided in the comprehensive plan of the local government.

(h) Ensure safe and convenient onsite traffic flow, considering needed vehicle parking.

(i) *Maintain the existing density of residential properties or recreational vehicle parks if the properties are intended for residential use and are located in the unincorporated areas that have sufficient infrastructure, as determined by a local governing authority, and are not located within a coastal high-hazard area under s. 163.3178.*

Section 22. Present subsections (25) through (41) of section 420.503, Florida Statutes, are redesignated as subsections (26) through (42), respectively, and a new subsection (25) is added to that section to read:

420.503 Definitions.—As used in this part, the term:

(25) *“Moderate rehabilitation” means repair or restoration of a dwelling unit when the value of such repair or restoration is 40 percent or less of the value of the dwelling unit but not less than \$10,000.*

Section 23. Subsection (47) is added to section 420.507, Florida Statutes, 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:

(47) *To provide by rule in connection with any corporation competitive program, criteria establishing a preference for developers and general contractors domiciled in this state and for developers and general contractors, regardless of domicile, who have substantial experience in developing or building affordable housing through the corporation's programs.*

(a) *In evaluating whether a developer or general contractor is domiciled in this state, the corporation shall consider whether the developer's or general contractor's principal office is located in this state and whether a majority of the developer's or general contractor's principals and financial beneficiaries reside in Florida.*

(b) *In evaluating whether a developer or general contractor has substantial experience, the corporation shall consider whether the developer or general contractor has completed at least five developments using funds either provided by or administered by the corporation.*

Section 24. Paragraphs (c) and (l) of subsection (6) of section 420.5087, Florida Statutes, are amended to read:

420.5087 State Apartment Incentive Loan Program.—There is hereby created the State Apartment Incentive Loan Program for the purpose of providing first, second, or other subordinated mortgage loans or loan guarantees to sponsors, including for-profit, nonprofit, and public entities, to provide housing affordable to very-low-income persons.

(6) On all state apartment incentive loans, except loans made to housing communities for the elderly to provide for lifesafety, building preservation, health, sanitation, or security-related repairs or improvements, the following provisions shall apply:

(c) The corporation shall provide by rule for the establishment of a review committee composed of the department and corporation staff and shall establish by rule a scoring system for evaluation and competitive ranking of applications submitted in this program, including, but not limited to, the following criteria:

1. Tenant income and demographic targeting objectives of the corporation.
2. Targeting objectives of the corporation which will ensure an equitable distribution of loans between rural and urban areas.
3. Sponsor's agreement to reserve the units for persons or families who have incomes below 50 percent of the state or local median income, whichever is higher, for a time period to exceed the minimum required by federal law or the provisions of this part.
4. Sponsor's agreement to reserve more than:
 - a. Twenty percent of the units in the project for persons or families who have incomes that do not exceed 50 percent of the state or local median income, whichever is higher; or
 - b. Forty percent of the units in the project for persons or families who have incomes that do not exceed 60 percent of the state or local median income, whichever is higher, without requiring a greater amount of the loans as provided in this section.
5. Provision for tenant counseling.
6. Sponsor's agreement to accept rental assistance certificates or vouchers as payment for rent.
7. Projects requiring the least amount of a state apartment incentive loan compared to overall project cost except that the share of the loan attributable to units serving extremely-low-income persons shall be excluded from this requirement.
8. Local government contributions and local government comprehensive planning and activities that promote affordable housing.
9. Project feasibility.
10. Economic viability of the project.
11. Commitment of first mortgage financing.
12. Sponsor's prior experience, including whether the developer and general contractor have substantial experience, as provided in s. 420.507(47).
13. Sponsor's ability to proceed with construction.
14. Projects that directly implement or assist welfare-to-work transitioning.
15. Projects that reserve units for extremely-low-income persons.
16. Projects that include green building principles, storm-resistant construction, or other elements that reduce long-term costs relating to maintenance, utilities, or insurance.
17. Domicile of the developer and general contractor, as provided in s. 420.507(47).

(l) The proceeds of all loans shall be used for new construction, moderate rehabilitation, or substantial rehabilitation which creates or preserves affordable, safe, and sanitary housing units.

Section 25. Subsection (5) of section 420.622, Florida Statutes, is amended to read:

420.622 State Office on Homelessness; Council on Homelessness.—

(5) The State Office on Homelessness, with the concurrence of the Council on Homelessness, may administer moneys appropriated to it to provide homeless housing assistance grants annually to lead agencies for local homeless assistance continuum of care, as recognized by the State Office on Homelessness, to acquire, construct, or rehabilitate transitional or permanent housing units for homeless persons. These moneys shall consist of any sums that the state may appropriate, as well as money received from donations, gifts, bequests, or otherwise from any public or private source, which ~~are money~~ is intended to acquire, construct, or rehabilitate transitional or permanent housing units for homeless persons.

(a) Grant applicants shall be ranked competitively. Preference must be given to applicants who leverage additional private funds and public funds, particularly federal funds designated for the acquisition, construction, or ~~and~~ rehabilitation of transitional or permanent housing for homeless persons; ; who acquire, build, or rehabilitate the greatest number of units; ; and who acquire, build, or rehabilitate in catchment areas having the greatest need for housing for the homeless relative to the population of the catchment area.

(b) Funding for any particular project may not exceed \$750,000.

(c) Projects must reserve, for a minimum of 10 years, the number of units acquired, constructed, or rehabilitated through homeless housing assistance grant funding to serve persons who are homeless at the time they assume tenancy.

(d) No more than two grants may be awarded annually in any given local homeless assistance continuum of care catchment area.

(e) A project may not be funded which is not included in the local homeless assistance continuum of care plan, as recognized by the State Office on Homelessness, for the catchment area in which the project is located.

(f) The maximum percentage of funds that the State Office on Homelessness and each applicant may spend on administrative costs is 5 percent.

Section 26. Section 420.628, Florida Statutes, is created to read:

420.628 Affordable housing for children and young adults leaving foster care; legislative findings and intent.—

(1)(a) *The Legislature finds that there are many young adults who, through no fault of their own, live in foster families, group homes, and institutions, and face numerous barriers to a successful transition to adulthood. Young adults who are leaving the child welfare system may enter adulthood lacking the knowledge, skills, attitudes, habits, and relationships that will enable them to become productive members of society.*

(b) *The Legislature further finds that the main barriers to safe and affordable housing for such young adults are cost, lack of availability, the unwillingness of landlords to rent to such youth due to perceived regulatory barriers, and a lack of knowledge about how to be a good tenant. These barriers cause young adults to be at risk of becoming homeless.*

(c) *The Legislature also finds that young adults who leave the child welfare system are disproportionately represented in the homeless population. Without the stability of safe and affordable housing, all other services, training, and opportunities provided to such young adults may not be effective. Making affordable housing available will decrease the chance of homelessness and may increase the ability of such young adults to live independently.*

(d) *The Legislature intends that the Florida Housing Finance Corporation, agencies within the State Housing Initiative Partnership Program, local housing finance agencies, public housing authorities, and their agents, and other providers of affordable housing coordinate with*

the Department of Children and Family Services, their agents, and community-based care providers who provide services under s. 409.1671 to develop and implement strategies and procedures designed to make affordable housing available whenever and wherever possible to young adults who leave the child welfare system.

(2) Young adults who leave the child welfare system meet the definition of eligible persons under ss. 420.503(7) and 420.907(10) for affordable housing, and are encouraged to participate in federal, state, and local affordable housing programs. Students deemed to be eligible occupants under 26 U.S.C. 42(i)(3)(d) shall be considered eligible persons for purposes of all projects funded under this chapter.

Section 27. Subsections (4), (8), (16), and (25) of section 420.9071, Florida Statutes, are amended, and subsections (29) and (30) are added to that section, to read:

420.9071 Definitions.—As used in ss. 420.907-420.9079, the term:

(4) “Annual gross income” means annual income as defined under the Section 8 housing assistance payments programs in 24 C.F.R. part 5; annual income as reported under the census long form for the recent available decennial census; or adjusted gross income as defined for purposes of reporting under Internal Revenue Service Form 1040 for individual federal annual income tax purposes or as defined by standard practices used in the lending industry as detailed in the local housing assistance plan and approved by the corporation. Counties and eligible municipalities shall calculate income by annualizing verified sources of income for the household as the amount of income to be received in a household during the 12 months following the effective date of the determination.

(8) “Eligible housing” means any real and personal property located within the county or the eligible municipality which is designed and intended for the primary purpose of providing decent, safe, and sanitary residential units that are designed to meet the standards of the Florida Building Code or previous building codes adopted under chapter 553, or manufactured housing constructed after June 1994 and installed in accordance with the installation standards for mobile or manufactured homes contained in rules of the Department of Highway Safety and Motor Vehicles, for home ownership or rental for eligible persons as designated by each county or eligible municipality participating in the State Housing Initiatives Partnership Program.

(16) “Local housing incentive strategies” means local regulatory reform or incentive programs to encourage or facilitate affordable housing production, which include at a minimum, assurance that permits as defined in s. 163.3164(7) and (8) for affordable housing projects are expedited to a greater degree than other projects; an ongoing process for review of local policies, ordinances, regulations, and plan provisions that increase the cost of housing prior to their adoption; and a schedule for implementing the incentive strategies. Local housing incentive strategies may also include other regulatory reforms, such as those enumerated in s. 420.9076 or those recommended by the affordable housing advisory committee in its triennial evaluation of the implementation of affordable housing incentives, and adopted by the local governing body.

(25) “Recaptured funds” means funds that are recouped by a county or eligible municipality in accordance with the recapture provisions of its local housing assistance plan pursuant to s. 420.9075(5)(h) ~~(g)~~ from eligible persons or eligible sponsors, which funds were not used for assistance to an eligible household for an eligible activity, when there is a ~~who~~ default on the terms of a grant award or loan award.

(29) “Assisted housing” or “assisted housing development” means a rental housing development, including rental housing in a mixed-use development, that received or currently receives funding from any federal or state housing program.

(30) “Preservation” means actions taken to keep rents in existing assisted housing affordable for extremely-low-income, very-low-income, low-income, and moderate-income households while ensuring that the property stays in good physical and financial condition for an extended period.

Section 28. Subsections (6) and (7) of section 420.9072, Florida Statutes, are amended to read:

420.9072 State Housing Initiatives Partnership Program.—The State Housing Initiatives Partnership Program is created for the pur-

pose of providing funds to counties and eligible municipalities as an incentive for the creation of local housing partnerships, to expand production of and preserve affordable housing, to further the housing element of the local government comprehensive plan specific to affordable housing, and to increase housing-related employment.

(6) The moneys that otherwise would be distributed pursuant to s. 420.9073 to a local government that does not meet the program’s requirements for receipts of such distributions shall remain in the Local Government Housing Trust Fund to be administered by the corporation ~~pursuant to s. 420.9078.~~

(7) A county or an eligible municipality must expend its portion of the local housing distribution only to implement a local housing assistance plan or as provided in this subsection.

(a) A county or an eligible municipality may not expend its portion of the local housing distribution to provide rent subsidies; however, this does not prohibit the use of funds for security and utility deposit assistance.

(b) A county or an eligible municipality may expend a portion of the local housing distribution to provide a one-time relocation grant to persons who meet the income requirements of the State Housing Initiatives Partnership Program and who are subject to eviction from rental property located in the county or eligible municipality due to the foreclosure of the rental property. In order to receive a grant under this paragraph, a person must provide the county or eligible municipality with proof of meeting the income requirements of a very-low-income household, a low-income household, or a moderate-income household; a notice of eviction; and proof that the rent has been paid for at least 3 months before the date of eviction, including the month that the notice of eviction was served. Relocation assistance under this paragraph is limited to a one-time grant of not more than \$5,000 and is not limited to persons who are subject to eviction from projects funded under the State Housing Initiatives Partnership Program. This paragraph expires July 1, 2010.

Section 29. Subsections (1) and (2) of section 420.9073, Florida Statutes, are amended, and subsections (5), (6), and (7) are added to that section, to read:

420.9073 Local housing distributions.—

(1) Distributions calculated in this section shall be disbursed on a quarterly or more frequent ~~monthly~~ basis by the corporation ~~beginning the first day of the month after program approval~~ pursuant to s. 420.9072, subject to availability of funds. Each county’s share of the funds to be distributed from the portion of the funds in the Local Government Housing Trust Fund received pursuant to s. 201.15(9) shall be calculated by the corporation for each fiscal year as follows:

(a) Each county other than a county that has implemented the provisions of chapter 83-220, Laws of Florida, as amended by chapters 84-270, 86-152, and 89-252, Laws of Florida, shall receive the guaranteed amount for each fiscal year.

(b) Each county other than a county that has implemented the provisions of chapter 83-220, Laws of Florida, as amended by chapters 84-270, 86-152, and 89-252, Laws of Florida, may receive an additional share calculated as follows:

1. Multiply each county’s percentage of the total state population excluding the population of any county that has implemented the provisions of chapter 83-220, Laws of Florida, as amended by chapters 84-270, 86-152, and 89-252, Laws of Florida, by the total funds to be distributed.

2. If the result in subparagraph 1. is less than the guaranteed amount as determined in subsection (3), that county’s additional share shall be zero.

3. For each county in which the result in subparagraph 1. is greater than the guaranteed amount as determined in subsection (3), the amount calculated in subparagraph 1. shall be reduced by the guaranteed amount. The result for each such county shall be expressed as a percentage of the amounts so determined for all counties. Each such county shall receive an additional share equal to such percentage multiplied by the total funds received by the Local Government Housing

Trust Fund pursuant to s. 201.15(9) reduced by the guaranteed amount paid to all counties.

(2) ~~Effective July 1, 1995,~~ Distributions calculated in this section shall be disbursed on a ~~quarterly or more frequent~~ ~~monthly~~ basis by the corporation ~~beginning the first day of the month after program approval~~ pursuant to s. 420.9072, ~~subject to availability of funds.~~ Each county's share of the funds to be distributed from the portion of the funds in the Local Government Housing Trust Fund received pursuant to s. 201.15(10) shall be calculated by the corporation for each fiscal year as follows:

(a) Each county shall receive the guaranteed amount for each fiscal year.

(b) Each county may receive an additional share calculated as follows:

1. Multiply each county's percentage of the total state population, by the total funds to be distributed.

2. If the result in subparagraph 1. is less than the guaranteed amount as determined in subsection (3), that county's additional share shall be zero.

3. For each county in which the result in subparagraph 1. is greater than the guaranteed amount, the amount calculated in subparagraph 1. shall be reduced by the guaranteed amount. The result for each such county shall be expressed as a percentage of the amounts so determined for all counties. Each such county shall receive an additional share equal to this percentage multiplied by the total funds received by the Local Government Housing Trust Fund pursuant to s. 201.15(10) as reduced by the guaranteed amount paid to all counties.

(5) *Notwithstanding subsections (1)-(4), the corporation may withhold up to \$5 million of the total amount distributed each fiscal year from the Local Government Housing Trust Fund to provide additional funding to counties and eligible municipalities where a state of emergency has been declared by the Governor pursuant to chapter 252. Any portion of the withheld funds not distributed by the end of the fiscal year shall be distributed as provided in subsections (1) and (2).*

(6) *Notwithstanding subsections (1)-(4), the corporation may withhold up to \$5 million from the total amount distributed each fiscal year from the Local Government Housing Trust Fund to provide funding to counties and eligible municipalities to purchase properties subject to a State Housing Initiative Partnership Program lien and on which foreclosure proceedings have been initiated by any mortgagee. Each county and eligible municipality that receives funds under this subsection shall repay such funds to the corporation not later than the expenditure deadline for the fiscal year in which the funds were awarded. Amounts not repaid shall be withheld from the subsequent year's distribution. Any portion of such funds not distributed under this subsection by the end of the fiscal year shall be distributed as provided in subsections (1) and (2).*

(7) *A county receiving local housing distributions under this section or an eligible municipality that receives local housing distributions under an interlocal agreement shall expend those funds in accordance with the provisions of ss. 420.907-420.9079, rules of the corporation, and the county's local housing assistance plan.*

Section 30. Subsections (1), (3), (5), and (8), paragraphs (a) and (h) of subsection (10), and paragraph (b) of subsection (13) of section 420.9075, Florida Statutes, are amended, and subsection (14) is added to that section, to read:

420.9075 Local housing assistance plans; partnerships.—

(1)(a) Each county or eligible municipality participating in the State Housing Initiatives Partnership Program shall develop and implement a local housing assistance plan created to make affordable residential units available to persons of very low income, low income, or moderate income and to persons who have special housing needs, including, but not limited to, homeless people, the elderly, ~~and~~ migrant farmworkers, and persons with disabilities. Counties or eligible municipalities may include strategies to assist persons and households having annual incomes of not more than 140 percent of area median income. The plans are intended to increase the availability of affordable residential units by combining local resources and cost-saving measures into a local housing

partnership and using private and public funds to reduce the cost of housing.

(b) Local housing assistance plans may allocate funds to:

1. Implement local housing assistance strategies for the provision of affordable housing.

2. Supplement funds available to the corporation to provide enhanced funding of state housing programs within the county or the eligible municipality.

3. Provide the local matching share of federal affordable housing grants or programs.

4. Fund emergency repairs, including, but not limited to, repairs performed by existing service providers under weatherization assistance programs under ss. 409.509-409.5093.

5. Further the housing element of the local government comprehensive plan adopted pursuant to s. 163.3184, specific to affordable housing.

(3)(a) Each local housing assistance plan shall include a definition of essential service personnel for the county or eligible municipality, including, but not limited to, teachers and educators, other school district, community college, and university employees, police and fire personnel, health care personnel, skilled building trades personnel, and other job categories.

(b) Each county and each eligible municipality is encouraged to develop a strategy within its local housing assistance plan that emphasizes the recruitment and retention of essential service personnel. The local government is encouraged to involve public and private sector employers. Compliance with the eligibility criteria established under this strategy shall be verified by the county or eligible municipality.

(c) Each county and each eligible municipality is encouraged to develop a strategy within its local housing assistance plan that addresses the needs of persons who are deprived of affordable housing due to the closure of a mobile home park or the conversion of affordable rental units to condominiums.

(d) *Each county and each eligible municipality shall describe initiatives in the local housing assistance plan to encourage or require innovative design, green building principles, storm-resistant construction, or other elements that reduce long-term costs relating to maintenance, utilities, or insurance.*

(e) *Each county and each eligible municipality is encouraged to develop a strategy within its local housing assistance plan which provides program funds for the preservation of assisted housing.*

(5) The following criteria apply to awards made to eligible sponsors or eligible persons for the purpose of providing eligible housing:

(a) At least 65 percent of the funds made available in each county and eligible municipality from the local housing distribution must be reserved for home ownership for eligible persons.

(b) At least 75 percent of the funds made available in each county and eligible municipality from the local housing distribution must be reserved for construction, rehabilitation, or emergency repair of affordable, eligible housing.

(c) *Not more than 20 percent of the funds made available in each county and eligible municipality from the local housing distribution may be used for manufactured housing.*

(d) ~~(e)~~ The sales price or value of new or existing eligible housing may not exceed 90 percent of the average area purchase price in the statistical area in which the eligible housing is located. Such average area purchase price may be that calculated for any 12-month period beginning not earlier than the fourth calendar year prior to the year in which the award occurs or as otherwise established by the United States Department of the Treasury.

(e) ~~(f)~~1. All units constructed, rehabilitated, or otherwise assisted with the funds provided from the local housing assistance trust fund

must be occupied by very-low-income persons, low-income persons, and moderate-income persons *except as otherwise provided in this section.*

2. At least 30 percent of the funds deposited into the local housing assistance trust fund must be reserved for awards to very-low-income persons or eligible sponsors who will serve very-low-income persons and at least an additional 30 percent of the funds deposited into the local housing assistance trust fund must be reserved for awards to low-income persons or eligible sponsors who will serve low-income persons. This subparagraph does not apply to a county or an eligible municipality that includes, or has included within the previous 5 years, an area of critical state concern designated or ratified by the Legislature for which the Legislature has declared its intent to provide affordable housing. The exemption created by this act expires on July 1, 2013, and shall apply retroactively 2008.

(f) ~~(e)~~ Loans shall be provided for periods not exceeding 30 years, except for deferred payment loans or loans that extend beyond 30 years which continue to serve eligible persons.

(g) ~~(f)~~ Loans or grants for eligible rental housing constructed, rehabilitated, or otherwise assisted from the local housing assistance trust fund must be subject to recapture requirements as provided by the county or eligible municipality in its local housing assistance plan unless reserved for eligible persons for 15 years or the term of the assistance, whichever period is longer. Eligible sponsors that offer rental housing for sale before 15 years or that have remaining mortgages funded under this program must give a first right of refusal to eligible nonprofit organizations for purchase at the current market value for continued occupancy by eligible persons.

(h) ~~(g)~~ Loans or grants for eligible owner-occupied housing constructed, rehabilitated, or otherwise assisted from proceeds provided from the local housing assistance trust fund shall be subject to recapture requirements as provided by the county or eligible municipality in its local housing assistance plan.

(i) ~~(h)~~ The total amount of monthly mortgage payments or the amount of monthly rent charged by the eligible sponsor or her or his designee must be made affordable.

(j) ~~(i)~~ The maximum sales price or value per unit and the maximum award per unit for eligible housing benefiting from awards made pursuant to this section must be established in the local housing assistance plan.

(k) ~~(j)~~ The benefit of assistance provided through the State Housing Initiatives Partnership Program must accrue to eligible persons occupying eligible housing. This provision shall not be construed to prohibit use of the local housing distribution funds for a mixed income rental development.

(l) ~~(k)~~ Funds from the local housing distribution not used to meet the criteria established in paragraph (a) or paragraph (b) or not used for the administration of a local housing assistance plan must be used for housing production and finance activities, including, but not limited to, financing *preconstruction activities* or the purchase of existing units, providing rental housing, and providing home ownership training to prospective home buyers and owners of homes assisted through the local housing assistance plan.

1. Notwithstanding the provisions of paragraphs (a) and (b), program income as defined in s. 420.9071(24) may also be used to fund activities described in this paragraph.

2. When *preconstruction due-diligence activities conducted as part of a preservation strategy show that preservation of the units is not feasible and will not result in the production of an eligible unit, such costs shall be deemed a program expense rather than an administrative expense if such program expenses do not exceed 3 percent of the annual local housing distribution.*

3. If both an award under the local housing assistance plan and federal low-income housing tax credits are used to assist a project and there is a conflict between the criteria prescribed in this subsection and the requirements of s. 42 of the Internal Revenue Code of 1986, as amended, the county or eligible municipality may resolve the conflict by giving precedence to the requirements of s. 42 of the Internal Revenue Code of 1986, as amended, in lieu of following the criteria prescribed in

this subsection with the exception of paragraphs (a) and (e) ~~(f)~~ of this subsection.

4. *Each county and each eligible municipality may award funds as a grant for construction, rehabilitation, or repair as part of disaster recovery or emergency repairs or to remedy accessibility or health and safety deficiencies. Any other grants must be approved as part of the local housing assistance plan.*

(8) Pursuant to s. 420.531, the corporation shall provide *training and technical assistance* to local governments regarding the creation of partnerships, the design of local housing assistance strategies, the implementation of local housing incentive strategies, and the provision of support services.

(10) Each county or eligible municipality shall submit to the corporation by September 15 of each year a report of its affordable housing programs and accomplishments through June 30 immediately preceding submittal of the report. The report shall be certified as accurate and complete by the local government's chief elected official or his or her designee. Transmittal of the annual report by a county's or eligible municipality's chief elected official, or his or her designee, certifies that the local housing incentive strategies, or, if applicable, the local housing incentive plan, have been implemented or are in the process of being implemented pursuant to the adopted schedule for implementation. The report must include, but is not limited to:

(a) The number of households served by income category, age, family size, and race, and data regarding any special needs populations such as farmworkers, homeless persons, *persons with disabilities*, and the elderly. Counties shall report this information separately for households served in the unincorporated area and each municipality within the county.

(h) Such other data or affordable housing accomplishments considered significant by the reporting county or eligible municipality *or by the corporation.*

(13)

(b) If, as a result of its review of the annual report, the corporation determines that a county or eligible municipality has failed to implement a local housing incentive strategy, or, if applicable, a local housing incentive plan, it shall send a notice of termination of the local government's share of the local housing distribution by certified mail to the affected county or eligible municipality.

1. The notice must specify a date of termination of the funding if the affected county or eligible municipality does not implement the plan or strategy and provide for a local response. A county or eligible municipality shall respond to the corporation within 30 days after receipt of the notice of termination.

2. The corporation shall consider the local response that extenuating circumstances precluded implementation and grant an extension to the timeframe for implementation. Such an extension shall be made in the form of an extension agreement that provides a timeframe for implementation. The chief elected official of a county or eligible municipality or his or her designee shall have the authority to enter into the agreement on behalf of the local government.

3. If the county or the eligible municipality has not implemented the incentive strategy or entered into an extension agreement by the termination date specified in the notice, the local housing distribution share terminates, and any uncommitted local housing distribution funds held by the affected county or eligible municipality in its local housing assistance trust fund shall be transferred to the Local Government Housing Trust Fund to the credit of the corporation to administer ~~pursuant to s. 420.9078.~~

4.a. If the affected local government fails to meet the timeframes specified in the agreement, the corporation shall terminate funds. The corporation shall send a notice of termination of the local government's share of the local housing distribution by certified mail to the affected local government. The notice shall specify the termination date, and any uncommitted funds held by the affected local government shall be transferred to the Local Government Housing Trust Fund to the credit of the corporation to administer ~~pursuant to s. 420.9078.~~

b. If the corporation terminates funds to a county, but an eligible municipality receiving a local housing distribution pursuant to an interlocal agreement maintains compliance with program requirements, the corporation shall thereafter distribute directly to the participating eligible municipality its share calculated in the manner provided in s. 420.9072.

c. Any county or eligible municipality whose local distribution share has been terminated may subsequently elect to receive directly its local distribution share by adopting the ordinance, resolution, and local housing assistance plan in the manner and according to the procedures provided in ss. 420.907-420.9079.

(14) *If the corporation determines that a county or eligible municipality has expended program funds for an ineligible activity, the corporation shall require such funds to be repaid to the local housing assistance trust fund. Such repayment may not be made with funds from the State Housing Initiatives Partnership Program.*

Section 31. Paragraph (h) of subsection (2), subsections (5) and (6), and paragraph (a) of subsection (7) of section 420.9076, Florida Statutes, are amended to read:

420.9076 Adoption of affordable housing incentive strategies; committees.—

(2) The governing board of a county or municipality shall appoint the members of the affordable housing advisory committee by resolution. Pursuant to the terms of any interlocal agreement, a county and municipality may create and jointly appoint an advisory committee to prepare a joint plan. The ordinance adopted pursuant to s. 420.9072 which creates the advisory committee or the resolution appointing the advisory committee members must provide for 11 committee members and their terms. The committee must include:

(h) One citizen who actively serves on the local planning agency pursuant to s. 163.3174. *If the local planning agency is comprised of the governing board of the county or municipality, the governing board may appoint a designee who is knowledgeable in the local planning process.*

If a county or eligible municipality whether due to its small size, the presence of a conflict of interest by prospective appointees, or other reasonable factor, is unable to appoint a citizen actively engaged in these activities in connection with affordable housing, a citizen engaged in the activity without regard to affordable housing may be appointed. Local governments that receive the minimum allocation under the State Housing Initiatives Partnership Program may elect to appoint an affordable housing advisory committee with fewer than 11 representatives if they are unable to find representatives who meet the criteria of paragraphs (a)-(k).

(5) The approval by the advisory committee of its local housing incentive strategies recommendations and its review of local government implementation of previously recommended strategies must be made by affirmative vote of a majority of the membership of the advisory committee taken at a public hearing. Notice of the time, date, and place of the public hearing of the advisory committee to adopt *its evaluation and final local housing incentive strategies recommendations* must be published in a newspaper of general paid circulation in the county. The notice must contain a short and concise summary of the *evaluation and local housing incentives strategies recommendations* to be considered by the advisory committee. The notice must state the public place where a copy of the *evaluation and tentative advisory committee recommendations* can be obtained by interested persons. *The final report, evaluation, and recommendations shall be submitted to the corporation.*

(6) Within 90 days after the date of receipt of the *evaluation and local housing incentive strategies recommendations* from the advisory committee, the governing body of the appointing local government shall adopt an amendment to its local housing assistance plan to incorporate the local housing incentive strategies it will implement within its jurisdiction. The amendment must include, at a minimum, the local housing incentive strategies required under s. 420.9071(16). The local government must consider the strategies specified in paragraphs (4)(a)-(k) as recommended by the advisory committee.

(7) The governing board of the county or the eligible municipality shall notify the corporation by certified mail of its adoption of an amendment of its local housing assistance plan to incorporate local

housing incentive strategies. The notice must include a copy of the approved amended plan.

(a) If the corporation fails to receive timely the approved amended local housing assistance plan to incorporate local housing incentive strategies, a notice of termination of its share of the local housing distribution shall be sent by certified mail by the corporation to the affected county or eligible municipality. The notice of termination must specify a date of termination of the funding if the affected county or eligible municipality has not adopted an amended local housing assistance plan to incorporate local housing incentive strategies. If the county or the eligible municipality has not adopted an amended local housing assistance plan to incorporate local housing incentive strategies by the termination date specified in the notice of termination, the local distribution share terminates; and any uncommitted local distribution funds held by the affected county or eligible municipality in its local housing assistance trust fund shall be transferred to the Local Government Housing Trust Fund to the credit of the corporation to administer the local government housing program pursuant to s. 420.9078.

Section 32. *Section 420.9078, Florida Statutes, is repealed.*

Section 33. Section 420.9079, Florida Statutes, is amended to read:

420.9079 Local Government Housing Trust Fund.—

(1) There is created in the State Treasury the Local Government Housing Trust Fund, which shall be administered by the corporation on behalf of the department according to the provisions of ss. 420.907-420.9076 ~~420.907-420.9078~~ and this section. There shall be deposited into the fund a portion of the documentary stamp tax revenues as provided in s. 201.15, moneys received from any other source for the purposes of ss. 420.907-420.9076 ~~420.907-420.9078~~ and this section, and all proceeds derived from the investment of such moneys. Moneys in the fund that are not currently needed for the purposes of the programs administered pursuant to ss. 420.907-420.9076 ~~420.907-420.9078~~ and this section shall be deposited to the credit of the fund and may be invested as provided by law. The interest received on any such investment shall be credited to the fund.

(2) The corporation shall administer the fund exclusively for the purpose of implementing the programs described in ss. 420.907-420.9076 ~~420.907-420.9078~~ and this section. With the exception of monitoring the activities of counties and eligible municipalities to determine local compliance with program requirements, the corporation shall not receive appropriations from the fund for administrative or personnel costs. For the purpose of implementing the compliance monitoring provisions of s. 420.9075(9), the corporation may request a maximum of one-quarter of 1 percent of the annual appropriation per state fiscal year. When such funding is appropriated, the corporation shall deduct the amount appropriated prior to calculating the local housing distribution pursuant to ss. 420.9072 and 420.9073.

Section 34. Subsection (12) of section 1001.43, Florida Statutes, is amended to read:

1001.43 Supplemental powers and duties of district school board.—The district school board may exercise the following supplemental powers and duties as authorized by this code or State Board of Education rule.

(12) AFFORDABLE HOUSING.—A district school board may use portions of school sites purchased within the guidelines of the State Requirements for Educational Facilities, land deemed not usable for educational purposes because of location or other factors, or land declared as surplus by the board to provide sites for affordable housing for teachers and other district personnel *and, in areas of critical state concern, for other essential services personnel as defined by local affordable housing eligibility requirements*, independently or in conjunction with other agencies as described in subsection (5).

And the title is amended as follows:

Delete lines 1298-1299 and insert: use the extension; amending s. 159.807, F.S.; providing limitations on the Florida Housing Finance Corporation's access to the state allocation pool; deleting a provision exempting the corporation from the applicability of certain uses of the state allocation pool; creating s. 193.018, F.S.; providing for the assessment of property receiving the low-income housing tax credit; defining

the term "community land trust"; providing for the assessment of structural improvements, condominium parcels, and cooperative parcels on land owned by a community land trust and used to provide affordable housing; providing for the conveyance of structural improvements, condominium parcels, and cooperative parcels subject to certain conditions; specifying the criteria to be used in arriving at just valuation of a structural improvement, condominium parcel, or cooperative parcel; amending s. 196.196, F.S.; providing additional criteria for determining whether certain affordable housing property owned by certain exempt organizations is entitled to an exemption from ad valorem taxation; providing a definition; subjecting organizations owning certain property to ad valorem taxation under certain circumstances; providing for tax liens; providing for penalties and interest; providing an exception; providing notice requirements; amending s. 196.1978, F.S.; providing that property owned by certain nonprofit entities or Florida-based limited partnerships and used or held for the purpose of providing affordable housing to certain income-qualified persons is exempt from ad valorem taxation; revising legislative intent; amending s. 212.055, F.S.; redefining the term "infrastructure" to allow the proceeds of a local government infrastructure surtax to be used to purchase land for certain purposes relating to construction of affordable housing; amending s. 163.3202, F.S.; requiring that local land development regulations maintain the existing density of residential properties or recreational vehicle parks under certain circumstances; amending s. 420.503, F.S.; defining the term "moderate rehabilitation" for purposes of the Florida Housing Finance Corporation Act; amending s. 420.507, F.S.; providing the corporation with the power to provide by rule the criteria for developer and contractor preference; providing criteria for the valuation of domicile and experience of developers and general contractors; amending s. 420.5087, F.S.; revising purposes for which state apartment incentive loans may be used; amending s. 420.622, F.S.; authorizing the agencies that provide a local homeless assistance continuum of care to use homeless housing assistance grants, provided by the State Office of Homelessness within the Department of Children and Family Services, to acquire transitional or permanent housing units for homeless persons; creating s. 420.628, F.S.; providing legislative findings and intent; requiring certain governmental entities to develop and implement strategies and procedures designed to increase affordable housing opportunities for young adults who are leaving the child welfare system; amending s. 420.9071, F.S.; revising and providing definitions; amending s. 420.9072, F.S.; conforming a cross-reference; authorizing counties and eligible municipalities to use funds from the State Housing Initiatives Partnership Program to provide relocation grants for persons who are evicted from rental properties that are in foreclosure; providing eligibility requirements for receiving a grant; providing that authorization for the relocation grants expires July 1, 2010; amending s. 420.9073, F.S.; revising the frequency with which local housing distributions are to be made by the corporation; authorizing the corporation to withhold funds from the total distribution annually for specified purposes; requiring counties and eligible municipalities that receive local housing distributions to expend those funds in a specified manner; amending s. 420.9075, F.S.; requiring that local housing assistance plans address the special housing needs of persons with disabilities; authorizing counties and certain municipalities to assist persons and households meeting specific income requirements; revising requirements to be included in the local housing assistance plan; requiring counties and certain municipalities to include certain initiatives and strategies in the local housing assistance plan; revising criteria that applies to awards made for the purpose of providing eligible housing; authorizing and limiting the percentage of funds from the local housing distribution which may be used for manufactured housing; extending the expiration date of an exemption from certain income requirements in specified areas; providing for retroactive application; authorizing the use of certain funds for preconstruction activities; providing that certain costs are a program expense; authorizing counties and certain municipalities to award grant funds under certain conditions; providing for the repayment of funds by the local housing assistance trust fund; amending s. 420.9076, F.S.; revising appointments to a local affordable housing advisory committee; revising notice requirements for public hearings of the advisory committee; requiring the committee's final report, evaluation, and recommendations to be submitted to the corporation; deleting cross-references to conform to changes made by the act; repealing s. 420.9078, F.S., relating to state administration of funds remaining in the Local Government Housing Trust Fund; amending s. 420.9079, F.S.; conforming cross-references; amending s. 1001.43, F.S.; revising district school board powers and duties in relation to use of land for affordable housing in certain areas for certain personnel; providing a legislative declaration of important state interest; providing an effective date.

On motion by Senator Bennett, the Senate receded from **Senate Amendments 1, 2, 5 and 6**; and refused to recede from **Senate Amendments 3 and 4**. On motion by Senator Bennett, the Senate concurred in **House Amendment 1** as amended and requested the House to concur in the Senate Amendments to the House Amendment.

CS for CS for SB 360 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—30

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

Nays—7

Constantine	Joyner	Storms
Dockery	Justice	
Gelber	Sobel	

Vote after roll call:

Yea—Richter

Yea to Nay—Crist

Votes Recorded:

May 7, 2009: Yea to Nay—Rich

BILLS ON THIRD READING

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 read the third time by title.

On motion by Senator Gelber, **HB 387** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for CS for HB 685—A bill to be entitled An act relating to the Educational Dollars for Duty program; amending s. 250.10, F.S.; revising provisions relating to the duties of the Adjutant General; removing the duties of the Board of Governors of the State University System and the State Board of Education with respect to the Educational Dollars for Duty program; providing for education assistance for members of the

Florida National Guard who enroll in an authorized course of study at a specified public or nonpublic institution of higher learning; revising the application requirements for the program to include active drilling members; requiring that a member serve in the guard for the period specified in the member's enlistment or reenlistment contract; providing that a member who has obtained a master's degree is ineligible to participate in the program; revising courses not authorized for the program; providing that college preparatory courses are authorized for the program; deleting provisions relating to the State Tuition Exemption Program; authorizing the Department of Military Affairs to pay tuition and fees for current members; providing that members are eligible to use the program upon enlistment; requiring that the department pay the tuition and fees for a member enrolled in a nonpublic postsecondary institution or a nonpublic vocational-technical program which are equal to the amount required to pay for tuition and fees at a public postsecondary education institution or public vocational-technical program; prohibiting participation by certain members; providing for applicability of a requirement to reimburse the department for tuition charges and student fees under specified circumstances; amending s. 1009.21, F.S.; revising a provision relating to the classification of members of the Florida National Guard as residents for tuition purposes; amending s. 1009.26, F.S.; eliminating a reference to educational fee waivers for certain members of the Florida National Guard; providing an effective date.

—was read the third time by title.

On motion by Senator Fasano, **CS for CS for HB 685** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for CS for HB 1171—A bill to be entitled An act relating to residential property insurance; amending s. 627.062, F.S.; authorizing certain insurers to use a rate in excess of the otherwise applicable filed rate; prohibiting the consideration of certain policies when making a specified calculation; preserving the authority of the Office of Insurance Regulation to disapprove rates as inadequate or disapprove a rate filing for using an unlawful rating factor; authorizing the office to direct an insurer to make a specified type of rate filing under certain circumstances; creating s. 627.7031, F.S.; authorizing an insurer to offer or renew policies at rates established in accordance with specified provisions of state law if certain conditions are met; requiring that certain policies contain a specified notice; providing for applicability; requiring written notice of nonrenewal, cancellation, or termination; providing an effective date.

—was read the third time by title.

On motion by Senator Bennett, **CS for CS for HB 1171** was passed and certified to the House. The vote on passage was:

Yeas—27

Alexander	Constantine	Gaetz
Altman	Dean	Gardiner
Aronberg	Detert	Haridopolos
Baker	Deutch	Jones
Bennett	Diaz de la Portilla	Joyner
Bullard	Dockery	King

Lawson	Peaden	Siplin
Lynn	Rich	Smith
Oelrich	Richter	Wise

Nays—9

Mr. President	Gelber	Sobel
Crist	Justice	Storms
Fasano	Ring	Villalobos

Vote after roll call:

Nay—Garcia

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 as-

essed 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. 403.9325, 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 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; 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; 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. 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; 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 date.

—as amended April 29 was read the third time by title.

On motion by Senator Constantine, further consideration of **CS for CS for SB 2104** as amended was deferred.

CS for HB 1405—A bill to be entitled An act relating to the influenza vaccine; amending ss. 402.305, 402.313, and 402.3131, F.S.; requiring child care facilities, family day care homes, and large family child care homes to provide parents with certain information regarding the causes, symptoms, and transmission of the influenza virus; providing an effective date.

—was read the third time by title.

On motion by Senator Constantine, **CS for HB 1405** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Garcia

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

CS for CS for SB 1894—A bill to be entitled An act relating to surplus lines insurers; amending s. 626.913, F.S.; providing for the nonapplication of certain provisions of state law to surplus lines insurance authorized under the Surplus Lines Law; providing an exception; amending s. 626.924, F.S.; requiring that surplus lines policies issued on or after a specified date have a specified statement printed on the face of the policy; creating s. 626.9371, F.S.; providing methods of payment for premiums and claims regarding surplus lines contracts issued on or after a specified date; requiring a written authorization to complete payment under certain circumstances; providing for waiver of such requirement; providing that an insurer remains liable for payment of a claim if corresponding funds are misdirected; creating s. 626.9372, F.S.; requiring that certain insurers provide a disclosure statement to a claimant under certain circumstances; requiring that such statement include certain information; requiring that an insurer disclose certain additional information upon the request of a claimant; requiring the amendment of such statement under certain circumstances; creating s. 626.9373, F.S.; providing for the payment of attorney’s fees in cases involving surplus lines insurers at the trial and appellate levels; amending s. 626.9374, F.S.; requiring that a surplus lines policy containing a separate hurricane or wind deductible issued on or after a specified date have a specified statement printed on the face of the policy; requiring that a surplus lines policy containing a coinsurance provision applicable to hurricane or wind losses issued on or after a specified date have a specified statement printed on the face of the policy; providing for the retroactive applicability of certain provisions; providing an effective date.

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

Amendments were considered and adopted to conform **CS for CS for SB 1894** to **CS for HB 853**.

Pending further consideration of **CS for CS for SB 1894** as amended, on motion by Senator Bennett, by two-thirds vote **CS for HB 853** was withdrawn from the Committees on Banking and Insurance; Finance and Tax; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

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

CS for HB 853—A bill to be entitled An act relating to surplus lines insurers; amending s. 626.913, F.S.; specifying nonapplication of certain provisions of law to surplus lines insurance; providing an exception; amending s. 626.924, F.S.; requiring surplus lines policies issued on or after a specified date to have a specified statement printed on the face of the policy; creating s. 626.9371, F.S.; providing methods of payment for premiums and claims regarding surplus lines contracts issued on or after a specified date; requiring a written authorization to complete payment under certain circumstances; providing for waiver of such requirement; providing that an insurer remains liable for payment of a

claim if corresponding funds are misdirected; creating s. 626.9372, F.S.; requiring that certain insurers provide a disclosure statement to a claimant under certain circumstances; requiring that such statement include certain information; requiring that an insurer disclose certain additional information upon the request of a claimant; requiring the amendment of such statement under certain circumstances; creating s. 626.9373, F.S.; providing for the payment of attorney's fees in cases involving surplus lines insurers at the trial and appellate levels; amending s. 626.9374, F.S.; requiring that a surplus lines policy containing a separate hurricane or wind deductible issued on or after a specified date have a specified statement printed on the face of the policy; requiring that a surplus lines policy containing a coinsurance provision applicable to hurricane or wind losses issued on or after a specified date have a specified statement printed on the face of the policy; providing for the retroactive applicability of certain provisions; providing severability; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1894** as amended and read the second time by title.

On motion by Senator Bennett, by two-thirds vote **CS for HB 853** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Consideration of **CS for SB 642** and **CS for CS for SB 274** was deferred.

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

SPECIAL ORDER CALENDAR, continued

On motion by Senator Bennett, by unanimous consent, the Senate resumed consideration of—

CS for CS for HB 55—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.02, F.S.; imposing the tax on the consideration for short sale transfers of real property; excluding certain unpaid indebtedness from such consideration; defining the term “short sale”; authorizing the Department of Revenue to adopt rules establishing arm’s length criteria for short sale purposes; providing an effective date.

—which was taken up out of order, as previously considered April 27.

MOTION

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

Senators Baker, Alexander, Bennett, and Gelber offered the following amendment which was moved by Senator Baker and adopted:

Amendment 1 (338060) (with title amendment)—Delete lines 34-40 and insert: *dealing with each other at arm’s length.*

Section 2. *The Department of Revenue may adopt rules establishing criteria that indicate when the parties to a short sale are not dealing with each other at arm’s length.*

Section 3. *Pursuant to s. 201.15(1)(a), Florida Statutes, the issuance of \$50 million of Florida Forever bonds is authorized, in addition to any previously authorized bonds. For the 2009-2010 fiscal year, the sum of \$3,502,005 is appropriated from the Land Acquisition Trust Fund to the Department of Environmental Protection for debt service on the new bonds. The proceeds of such bonds shall be distributed in accordance with s. 259.105(3), Florida Statutes. The Department of Environmental Protection and the agencies receiving such bond proceeds are appropriated budget authority necessary to transfer and expend the respective amounts of the distributed bond proceeds.*

Section 4. (1) *Pursuant to s. 215.619(1), Florida Statutes, the issuance of \$50 million of Everglades Restoration bonds is authorized, in addition to any previously authorized bonds. For the 2009-2010 fiscal year, the sum of \$4,991,600 is appropriated from the Save Our Everglades Trust Fund to the Department of Environmental Protection for debt service on the new bonds.*

(2) *The sum of \$47 million is appropriated from the Save Our Everglades Trust Fund to the Department of Environmental Protection for the design and construction of Comprehensive Everglades Restoration Plan components, Lake Okeechobee Protection Plan components, and Caloosahatchee and St. Lucie River Watershed Protection Plan components, and for the acquisition of lands needed for these project components. The sum of \$3 million is appropriated from the Save Our Everglades Trust Fund to the Department of Environmental Protection for transfer to the Department of Agriculture and Consumer Services into the General Inspection Trust Fund to fund activities authorized in subsection (3).*

(3) *The sum of \$3 million is appropriated from the General Inspections Trust Fund to the Department of Agriculture and Consumer Services for the purpose of implementing agricultural nonpoint source controls in the Okeechobee, Caloosahatchee, and St. Lucie River watersheds.*

Section 5. Section 201.15, Florida Statutes, as amended by section 1 of chapter 2009-17, Laws of Florida, is amended to read:

201.15 Distribution of taxes collected.—All taxes collected under this chapter are subject to the service charge imposed in s. 215.20(1). Prior to distribution under this section, the Department of Revenue shall deduct amounts necessary to pay the costs of the collection and enforcement of the tax levied by this chapter. Such costs and the service charge may not be levied against any portion of taxes pledged to debt service on bonds to the extent that the costs and service charge are required to pay any amounts relating to the bonds. *After distributions are made pursuant to subsection (1), all of the costs of the collection and enforcement of the tax levied by this chapter and the service charge shall be available and transferred to the extent necessary to pay debt service and any other amounts payable with respect to bonds authorized before January 1, 2010, secured by revenues distributed pursuant to subsection (1). All taxes remaining after deduction of costs and the service charge shall be distributed as follows:*

(1) Sixty-three and thirty-one hundredths percent of the remaining taxes collected under this chapter shall be used for the following purposes:

(a) Amounts necessary to pay the debt service on, or fund debt service reserve funds, rebate obligations, or other amounts payable with respect to Preservation 2000 bonds issued pursuant to s. 375.051 and Florida Forever bonds issued pursuant to s. 215.618, shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund to be used for such purposes. The amount transferred to the Land Acquisition Trust Fund may not exceed \$300 million in fiscal year 1999-2000 and thereafter for Preservation 2000 bonds and bonds issued to refund Preservation 2000 bonds, and \$300 million in fiscal year 2000-2001 and thereafter for Florida Forever bonds. The annual amount transferred to the Land Acquisition Trust Fund for Florida Forever bonds may not exceed \$30 million in the first fiscal year in which bonds are issued. The limitation on the amount transferred shall be increased by an additional \$30 million in each subsequent fiscal year, but may not exceed a total of \$300 million in any fiscal year for all bonds issued. It is the intent of the Legislature that all bonds issued to fund the Florida Forever Act be retired by December 31, 2040. Except for bonds issued to refund previously issued bonds, no series of bonds may be issued pursuant to this

paragraph unless such bonds are approved and the debt service for the remainder of the fiscal year in which the bonds are issued is specifically appropriated in the General Appropriations Act. For purposes of refunding Preservation 2000 bonds, amounts designated within this section for Preservation 2000 and Florida Forever bonds may be transferred between the two programs to the extent provided for in the documents authorizing the issuance of the bonds. The Preservation 2000 bonds and Florida Forever bonds shall be equally and ratably secured by moneys distributable to the Land Acquisition Trust Fund pursuant to this section, except to the extent specifically provided otherwise by the documents authorizing the issuance of the bonds. No moneys transferred to the Land Acquisition Trust Fund pursuant to this paragraph, or earnings thereon, shall be used or made available to pay debt service on the Save Our Coast revenue bonds.

(b) Moneys shall be paid into the State Treasury to the credit of the Save Our Everglades Trust Fund in amounts necessary to pay debt service, provide reserves, and pay rebate obligations and other amounts due with respect to bonds issued under s. 215.619. Taxes distributed under paragraph (a) and this paragraph must be collectively distributed on a pro rata basis when the available moneys under this subsection are not sufficient to cover the amounts required under paragraph (a) and this paragraph.

(c) The remainder of the moneys distributed under this subsection, after the required payments under paragraphs (a) and (b), shall be paid into the State Treasury to the credit of:

1. The State Transportation Trust Fund in the Department of Transportation in the amount of the lesser of 38.2 percent of the remainder or \$541.75 million in each fiscal year, to be used for the following specified purposes, notwithstanding any other law to the contrary:

a. For the purposes of capital funding for the New Starts Transit Program, authorized by Title 49, U.S.C. s. 5309 and specified in s. 341.051, 10 percent of these funds;

b. For the purposes of the Small County Outreach Program specified in s. 339.2818, 5 percent of these funds;

c. For the purposes of the Strategic Intermodal System specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent of these funds after allocating for the New Starts Transit Program described in sub-subparagraph a. and the Small County Outreach Program described in sub-subparagraph b.; and

d. For the purposes of the Transportation Regional Incentive Program specified in s. 339.2819, 25 percent of these funds after allocating for the New Starts Transit Program described in sub-subparagraph a. and the Small County Outreach Program described in sub-subparagraph b.

2. The Water Protection and Sustainability Program Trust Fund in the Department of Environmental Protection in the amount of the lesser of 5.64 percent of the remainder or \$80 million in each fiscal year, to be used as required by s. 403.890.

3. The Grants and Donations Trust Fund in the Department of Community Affairs in the amount of the lesser of .23 percent of the remainder or \$3.25 million in each fiscal year, with 92 percent to be used to fund technical assistance to local governments and school boards on the requirements and implementation of this act and the remaining amount to be used to fund the Century Commission established in s. 163.3247.

4. The Ecosystem Management and Restoration Trust Fund in the amount of the lesser of 2.12 percent of the remainder or \$30 million in each fiscal year, to be used for the preservation and repair of the state's beaches as provided in ss. 161.091-161.212.

5. The Marine Resources Conservation Trust Fund in the amount of the lesser of .14 percent of the remainder or \$2 million in each fiscal year, to be used for marine mammal care as provided in s. 379.208(3).

6. General Inspection Trust Fund in the amount of the lesser of .02 percent of the remainder or \$300,000 in each fiscal year to be used to fund oyster management and restoration programs as provided in s. 379.362(3).

Moneys distributed pursuant to this paragraph may not be pledged for debt service unless such pledge is approved by referendum of the voters.

(d) The remainder of the moneys distributed under this subsection, after the required payments under paragraphs (a), (b), and (c), shall be paid into the State Treasury to the credit of the General Revenue Fund to be used and expended for the purposes for which the General Revenue Fund was created and exists by law.

(2) The lesser of 7.56 percent of the remaining taxes collected under this chapter or \$84.9 million in each fiscal year shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund. Sums deposited in the fund pursuant to this subsection may be used for any purpose for which funds deposited in the Land Acquisition Trust Fund may lawfully be used.

(3)(a) Through the 2008-2009 fiscal year, the lesser of 1.94 percent of the remaining taxes collected under this chapter or \$26 million in each fiscal year shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund.

(b) Beginning with the 2009-2010 fiscal year, the lesser of 1.94 percent of the remaining taxes collected under this chapter or \$26 million in each fiscal year shall be distributed in the following order:

1. Amounts necessary to pay debt service or to fund debt service reserve funds, rebate obligations, or other amounts payable with respect to bonds issued before February 1, 2009, pursuant to this subsection shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund.

2. Eleven million dollars shall be paid into the State Treasury to the credit of the General Revenue Fund.

3. The remainder shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund.

(c) Moneys deposited in the Land Acquisition Trust Fund pursuant to this subsection shall be used to acquire coastal lands or to pay debt service on bonds issued to acquire coastal lands and to develop and manage lands acquired with moneys from the trust fund.

(4) The lesser of 4.2 percent of the remaining taxes collected under this chapter or \$60.5 million in each fiscal year shall be paid into the State Treasury to the credit of the Water Management Lands Trust Fund. Sums deposited in that fund may be used for any purpose authorized in s. 373.59.

(5)(a) For the 2007-2008 fiscal year, 3.96 percent of the remaining taxes collected under this chapter shall be paid into the State Treasury to the credit of the Conservation and Recreation Lands Trust Fund to carry out the purposes set forth in s. 259.032. Ten and five-hundredths percent of the amount credited to the Conservation and Recreation Lands Trust Fund pursuant to this subsection shall be transferred to the State Game Trust Fund and used for land management activities.

(b) Beginning July 1, 2008, 3.52 percent of the remaining taxes collected under this chapter shall be paid into the State Treasury to the credit of the Conservation and Recreation Lands Trust Fund to carry out the purposes set forth in s. 259.032. Eleven and fifteen hundredths percent of the amount credited to the Conservation and Recreation Lands Trust Fund pursuant to this subsection shall be transferred to the State Game Trust Fund and used for land management activities.

(6) The lesser of 2.28 percent of the remaining taxes collected under this chapter or \$34.1 million in each fiscal year shall be paid into the State Treasury to the credit of the Invasive Plant Control Trust Fund to carry out the purposes set forth in ss. 369.22 and 369.252.

(7) The lesser of .5 percent of the remaining taxes collected under this chapter or \$9.3 million in each fiscal year shall be paid into the State Treasury to the credit of the State Game Trust Fund to be used exclusively for the purpose of implementing the Lake Restoration 2020 Program.

(8) One-half of one percent of the remaining taxes collected under this chapter shall be paid into the State Treasury and divided equally to the credit of the Department of Environmental Protection Water Quality Assurance Trust Fund to address water quality impacts associated with

nonagricultural nonpoint sources and to the credit of the Department of Agriculture and Consumer Services General Inspection Trust Fund to address water quality impacts associated with agricultural nonpoint sources, respectively. These funds shall be used for research, development, demonstration, and implementation of suitable best management practices or other measures used to achieve water quality standards in surface waters and water segments identified pursuant to ss. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq. Implementation of best management practices and other measures may include cost-share grants, technical assistance, implementation tracking, and conservation leases or other agreements for water quality improvement. The Department of Environmental Protection and the Department of Agriculture and Consumer Services may adopt rules governing the distribution of funds for implementation of best management practices. The unobligated balance of funds received from the distribution of taxes collected under this chapter to address water quality impacts associated with nonagricultural nonpoint sources will be excluded when calculating the unobligated balance of the Water Quality Assurance Trust Fund as it relates to the determination of the applicable excise tax rate.

(9) The lesser of 7.53 percent of the remaining taxes collected under this chapter or \$107 million in each fiscal year shall be paid into the State Treasury to the credit of the State Housing Trust Fund and shall be used as follows:

(a) Half of that amount shall be used for the purposes for which the State Housing Trust Fund was created and exists by law.

(b) Half of that amount shall be paid into the State Treasury to the credit of the Local Government Housing Trust Fund and shall be used for the purposes for which the Local Government Housing Trust Fund was created and exists by law.

(10) The lesser of 8.66 percent of the remaining taxes collected under this chapter or \$136 million in each fiscal year shall be paid into the State Treasury to the credit of the State Housing Trust Fund and shall be used as follows:

(a) Twelve and one-half percent of that amount shall be deposited into the State Housing Trust Fund and be expended by the Department of Community Affairs and by the Florida Housing Finance Corporation for the purposes for which the State Housing Trust Fund was created and exists by law.

(b) Eighty-seven and one-half percent of that amount shall be distributed to the Local Government Housing Trust Fund and shall be used for the purposes for which the Local Government Housing Trust Fund was created and exists by law. Funds from this category may also be used to provide for state and local services to assist the homeless.

(11) The distribution of proceeds deposited into the Water Management Lands Trust Fund and the Conservation and Recreation Lands Trust Fund, pursuant to subsections (4) and (5), may not be used for land acquisition but may be used for preacquisition costs associated with land purchases. The Legislature intends that the Florida Forever program supplant the acquisition programs formerly authorized under ss. 259.032 and 373.59.

(12) Amounts distributed pursuant to subsections (5), (6), (7), and (8) are subject to the payment of debt service on outstanding Conservation and Recreation Lands revenue bonds.

(13) Beginning July 1, 2008, in each fiscal year that the remaining taxes collected under this chapter exceed collections in the prior fiscal year, the stated maximum dollar amounts provided in subsections (2), (4), (6), (7), (9), and (10) shall each be increased by an amount equal to 10 percent of the increase in the remaining taxes collected under this chapter multiplied by the applicable percentage provided in those subsections.

(14) If the payment requirements in any year for bonds outstanding on July 1, 2007, or bonds issued to refund such bonds, exceed the limitations of this section, distributions to the trust fund from which the bond payments are made shall be increased to the lesser of the amount needed to pay bond obligations or the limit of the applicable percentage distribution provided in subsections (1)-(10).

(15) Distributions to the State Housing Trust Fund pursuant to subsections (9) and (10) shall be sufficient to cover amounts required to be transferred to the Florida Affordable Housing Guarantee Program's annual debt service reserve and guarantee fund pursuant to s. 420.5092(6)(a) and (b) up to but not exceeding the amount required to be transferred to such reserve and fund based on the percentage distribution of documentary stamp tax revenues to the State Housing Trust Fund which is in effect in the 2004-2005 fiscal year.

(16) *If amounts necessary to pay debt service or any other amounts payable with respect to Preservation 2000 bonds, Florida Forever bonds, or Everglades Restoration bonds authorized before January 1, 2010, exceed the amounts distributable pursuant to subsection (1), all moneys distributable pursuant to this section are available for such obligations and transferred in the amounts necessary to pay such obligations when due. However, amounts distributable pursuant to subsection (2), subsection (3), subsection (4), subsection (5), paragraph (9)(a), or paragraph (10)(a) are not available to pay such obligations to the extent that such moneys are necessary to pay debt service on bonds secured by revenues pursuant to those provisions.*

(17) ~~(16)~~ The remaining taxes collected under this chapter, after the distributions provided in the preceding subsections, shall be paid into the State Treasury to the credit of the General Revenue Fund.

And the title is amended as follows:

Delete line 8 and insert: short sale purposes; authorizing the issuance of Florida Forever bonds; providing an appropriation for debt service on such bonds; authorizing the issuance of Everglades Restoration bonds; providing an appropriation for debt service on such bonds; providing an appropriation to the Department of Environmental Protection for the design and construction of certain restoration and protection plans and for the acquisition of lands needed for these project components; providing an appropriation for the purpose of implementing agricultural nonpoint source controls in certain watersheds; amending s. 201.15, F.S.; conforming provisions to changes made by the act; providing an effective date.

On motion by Senator Bennett, by two-thirds vote **CS for CS for HB 55** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

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

BILLS ON THIRD READING

CS for CS for SB 1978—A bill to be entitled An act relating to classroom expenditures; creating s. 1010.2155, F.S.; requiring that school districts spend a minimum percentage of the district general fund on expenditures in the classroom; requiring that the Department of Education develop a uniform calculation and a common format for district reporting; requiring that school districts publish information regarding classroom expenditures; requiring that the department analyze the expenditures of school districts that fail to meet required classroom expenditure levels; authorizing the department to provide technical as-

sistance upon request by a school district; requiring that the Commissioner of Education make written recommendations to the superintendent of schools and the school board; authorizing the State Board of Education to adopt rules; providing an effective date.

—was read the third time by title.

On motion by Senator Gaetz, further consideration of **CS for CS for SB 1978** was deferred.

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

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 904, with Amendment 1, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

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; providing 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, and 61.21, 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.

House Amendment 1 (917475)—Remove lines 295-328 and insert:

(d)1. ~~Unless the provisions of subparagraph 3. apply, all child support orders entered on or after January 1, 1985, shall direct that the payments of child support be made as provided in s. 61.181 through the depository in the county where the court is located. All child support orders shall provide the full name and date of birth of each minor child who is the subject of the child support order.~~

~~2. Unless the provisions of subparagraph 3. apply, all child support orders entered before January 1, 1985, shall be modified by the court to direct that payments of child support shall be made through the depository in the county where the court is located upon the subsequent appearance of either or both parents to modify or enforce the order, or in any related proceeding.~~

~~2. If both parties request and the court finds that it is in the best interest of the child, support payments need not be subject to immediate income deduction. Support orders that are not subject to immediate income deduction may be directed through the depository under s. 61.181. Payments for all support orders that provide for immediate income deduction shall be made to the State Disbursement Unit. The order of support shall provide, or shall be deemed to provide, that either party may subsequently apply to the depository to require direction of the payments through the depository. The court shall provide a copy of the order to the depository.~~

~~3. For support orders that do not provide for immediate income deduction if the parties elect not to require that support payments be made through the depository, any party, or the IV-D agency in a IV-D case, may subsequently file an affidavit with the State Disbursement Unit depository alleging a default in payment of child support and stating that the party wishes to require that payments be made through the State Disbursement Unit depository. The party shall provide copies of the affidavit to the court and to each other party. Fifteen days after receipt of the affidavit, the State Disbursement Unit depository shall notify all both parties that future payments shall be paid through the State Disbursement Unit depository.~~

~~5. In IV-D cases, the IV-D agency shall have the same rights as the obligee in requesting that payments be made through the depository.~~

On motion by Senator Deutch, the Senate concurred in the House Amendment.

CS for CS for CS for SB 904 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate amendments 1, 1A, 1C and 1D to CS for CS for CS for HB 439 and requests the Senate to recede.

Robert L. "Bob" Ward, Clerk

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.

On motion by Senator Altman, the Senate refused to recede from the Senate Amendments to **CS for CS for SB 1468** and again requested that the House concur. The action of the Senate was certified to the House.

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 1468, with Amendments 1 and 2, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

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; 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.; 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 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.

House Amendment 1 (375013)—Remove lines 129-150 and insert:

(b)1. Property classified as working waterfront property under this section shall be assessed on the basis of the property's current use. The property appraiser shall consider only the following use factors:

- a. The condition of the property.
 - b. The present market value of the property in its current use for the foreseeable future.
 - c. The income produced by the property.
2. In no event shall the assessed value of the property exceed just value.

House Amendment 2 (315799) (with title amendment)—Remove lines 329-561

And the title is amended as follows:

Remove lines 31-54

On motion by Senator Dean, the Senate refused to concur in the House Amendments to **CS for CS for SB 1468** and the House was requested to recede. The action of the Senate was certified to the House.

REPORTS OF COMMITTEE RELATING TO EXECUTIVE BUSINESS

Mr. R. Philip Twogood Secretary of the Florida Senate May 1, 2009

Dear Mr. Secretary:

The following executive appointments were referred to the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate. The Senate Committee on Ethics and Elections did not consider the following appointments and the appointees were left pending and were not acted on by the Senate upon adjournment of the 2009 Regular Session of the Florida Legislature:

<i>Office and Appointment</i>	<i>For Term Ending</i>
Board of Accountancy	
Appointees: Borders-Byrd, Cynthia	10/31/2011
Caldwell, Maria E.	10/31/2011
Riggs, Stephen C. III	10/31/2012
Greater Orlando Aviation Authority	
Appointees: Calvet, Cesar E.	04/16/2012
Colon, Joseph L.	04/16/2012
Palmer, James "Jim" R.	04/16/2012
Florida State Boxing Commission	
Appointees: Jurado, Melody "Mel"	09/30/2011
Williams, Mark M.	09/30/2010
Interim Secretary, Department of Business and Professional Regulation	
Appointee: Drago, Charles W.	Pleasure of Governor
Interim Secretary, Department of Children and Family Services	
Appointee: Sheldon, George H.	Pleasure of Governor
Regulatory Council of Community Association Managers	
Appointees: Brennan, Terence	10/31/2010
Clifton, Ronald D., Jr.	10/31/2012
Moran, Kelly A.	10/31/2012
Rogers, Margaret A.	10/31/2011
Rogers, Patricia	10/31/2011
Florida Communities Trust	
Appointees: Alfonso, Albert E.	01/31/2013

<i>Office and Appointment</i>	<i>For Term Ending</i>	<i>Office and Appointment</i>	<i>For Term Ending</i>
Lindblad, A. Erick	01/31/2013	Citrus County Hospital Board	
Board of Trustees of Edison College		Appointees: Collins, Robert F.	07/07/2012
Appointees: Helphenstine, JoAnn P.	05/31/2010	Rogers, Ralph W. III	07/08/2010
Parrish, Randall T., Jr.	05/31/2012	Board of Trustees of South Lake County Hospital District	
Perry, Julia G.	05/31/2012	Appointees: Jones, JoAnn	07/05/2012
Board of Trustees of Gulf Coast Community College		Smith, Linda J.	07/05/2011
Appointee: Butler, Denise D.	05/31/2012	Florida Housing Finance Corporation	
Board of Trustees of Manatee Community College		Appointee: Fairman, Kenneth J.	11/13/2010
Appointees: Beruff, Carlos	05/31/2012	Florida Commission on Human Relations	
Miller, Joseph C., Jr.	05/31/2009	Appointees: Flom, Elena M.	09/30/2011
Board of Trustees of North Florida Community College		Haynes, Watson L. II	09/30/2011
Appointees: Brothers, William L.	05/31/2010	Singer, Gilbert M.	09/30/2010
Williams, Michael R.	05/31/2009	Thomas, Patty Ball	09/30/2010
Board of Trustees of Pensacola Community College		Valle, Mario	09/30/2011
Appointee: Snider, Paul R.	05/31/2010	Board of Landscape Architecture	
Board of Trustees of Valencia Community College		Appointees: Delate, Joseph F.	10/31/2011
Appointee: Quittschreiber, Jo	05/31/2012	Graham, Philip H., Jr.	10/31/2009
Construction Industry Licensing Board		Marshall-Beasley, Elizabeth	10/31/2009
Appointee: Malphus, Wilbert	10/31/2010	Paskey, Ernest L.	10/31/2010
State of Florida Correctional Medical Authority		Governor's Mansion Commission	
Appointees: Abercrombie, David Earl	09/30/2012	Appointees: Aurell, Jane C.	09/30/2009
Littles, Alma B.	09/30/2009	Glover, Marla G.	09/30/2012
Tedder, Deborah A.	09/30/2010	Graham, Adele K.	09/30/2009
Board of Cosmetology		Atlantic States Marine Fisheries Commission	
Appointees: Ritenbaugh, Laurel K.	10/31/2012	Appointee: Orndorf, William "Bill" R.	09/04/2010
Smith, Monica Schuloff	10/31/2011	Gulf States Marine Fisheries Commission	
Board of Trustees for the Florida School for the Deaf and the Blind		Appointee: Dempsey, Hayden R.	01/05/2010
Appointees: McCaul, Owen B.	12/10/2012	Board of Massage Therapy	
Wagner, Christopher D.	11/19/2012	Appointees: Burke-Wammack, Bridget K.	10/31/2012
Board of Dentistry		Ford, Karen Goff	10/31/2011
Appointees: Baker, Tamara "Tammy" S.	10/31/2012	Smallwood, Robert	10/31/2011
Melzer, Carl J.	10/31/2011	Stoehs, William F.	10/31/2010
Morgan, J. Thaddeus	10/31/2011	Board of Medicine	
Perdomo, Robert L. III	10/31/2012	Appointees: Levine, Bradley M.	10/31/2012
Interim Director, Agency for Persons with Disabilities		Mullins, Donald E.	10/31/2012
Appointee: DeBeaugrine, James "Jim"	Pleasure of Governor	Nuss, Robert C.	10/31/2012
Education Practices Commission		Tucker, Elisabeth D.	10/31/2012
Appointee: Walker, Cindi	01/20/2013	Board of Nursing	
Electrical Contractors' Licensing Board		Appointees: Colin, Jessie M.	10/31/2012
Appointee: Thomas, Noel H.	10/31/2012	Denker, Ann-Lynn	10/31/2012
Board of Employee Leasing Companies		McDonough, John P.	10/31/2010
Appointees: Dockery, Celeste	10/31/2011	Newman, Jody Bryant	10/31/2009
Finkelstein, Abram	10/31/2011	Board of Nursing Home Administrators	
Jones, John L.	10/31/2012	Appointees: Francoeur, Jeri H.	10/31/2010
Board of Professional Engineers		Sarvis, Linda	10/31/2011
Appointees: Halyard, Paul J.	10/31/2009	Wishna, Harold	10/31/2009
Panigrahi, Bijay K.	10/31/2011	Board of Opticianry	
Wallis, H. Dann	10/31/2011	Appointees: Goodman, Barney F.	10/31/2011
Young, Mary Martin	10/31/2011	Slattery, Margaret E.	10/31/2010
Board of Professional Geologists		Board of Orthotists and Prosthetists	
Appointees: Caspary, Jorge R.	10/31/2012	Appointee: Panton, Hugh J.	10/31/2010
Harmon, James J.	10/31/2011	Board of Osteopathic Medicine	
Poppell, Robert R.	10/31/2012	Appointees: Escher, Allan R., Jr.	10/31/2011
Higher Educational Facilities Financing Authority		Palladino, Rina	10/31/2011
Appointees: Czerniec, Timothy H.	01/17/2013	Board of Pharmacy	
Nguyen, Luong V.	01/17/2011	Appointees: Griffin, Cynthia R.	10/31/2012
		Hayes, Carl "Fritz"	10/31/2011
		Melvin, Stephen E.	10/31/2010
		Risch, Lorena	10/31/2010
		Salem, Ronald B.	10/31/2011
		Weizer, Michele	10/31/2012

<i>Office and Appointment</i>	<i>For Term Ending</i>
Pilotage Rate Review Board	
Appointees: Johnson, Clarence T., Jr.	10/31/2009
Weston, Evan L.	10/31/2011
Board of Podiatric Medicine	
Appointee: Frisch, Dennis R.	10/31/2011
Tampa Port Authority	
Appointees: Brown, William A.	11/15/2011
Swindal, Stephen W.	02/06/2012
Florida Prepaid College Board	
Appointee: Stephany, Pamela	06/30/2010
Board of Psychology	
Appointees: Moore, Patrice	10/31/2010
Orta, Luis E.	10/31/2010
Reiff, Harry J.	10/31/2011
Public Employees Relations Commission	
Appointee: Delgado, John M.	01/01/2013
Chair, Public Employees Relations Commission	
Appointee: Ray, Stephanie Williams	01/01/2012
Florida Real Estate Appraisal Board	
Appointee: Oreto, Evalyn F.	10/31/2011
North Central Florida Regional Planning Council, Region 3	
Appointee: Maultsby, Charles	10/01/2009
Tampa Bay Regional Planning Council, Region 8	
Appointees: Garcia, Julian, Jr.	10/01/2010
Kersteen, Robert "Bob" A.	10/01/2010
Kinnan, Harry G.	10/01/2010
Todd, Barbara Sheen	10/01/2010
Woodard, Laura D.	10/01/2009
Young, Earl H.	10/01/2009
South Florida Regional Planning Council, Region 11	
Appointees: Asseff, Patricia T.	10/01/2010
Perez, Marta	10/01/2010
Riesco, Jose	10/01/2010
Wallace, Paul R.	10/01/2009
Space Florida	
Appointees: Baker, Silas K., Jr.	06/30/2012
Ford, Kenneth M.	06/30/2012
Haiko, Kenneth J.	06/30/2012
Kompothecras, Gary	06/30/2012
Board of Professional Surveyors and Mappers	
Appointees: Greer, Sidney H.	10/31/2010
Mastronicola, Arthur A., Jr.	10/31/2011
Poppell, Frances C.	10/31/2009
Withlacoochee River Basin Board of the Southwest Florida Water Management District	
Appointee: Rice, Kelly S.	03/01/2011

The following executive appointments were referred to the Senate Committee on Commerce and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 (1) of the Rules of the Florida Senate. The Senate Committee on Commerce considered and recommended the executive appointments. The Senate Committee on Ethics and Elections did not consider the following appointments and the appointees were left pending and were not acted on by the Senate upon adjournment of the 2009 Regular Session of the Florida Legislature:

<i>Office and Appointment</i>	<i>For Term Ending</i>
Florida Commission on Tourism	
Appointees: Hertz, Andrew P.	06/30/2010
Mares, Charles "Sonny" F.	06/30/2010

<i>Office and Appointment</i>	<i>For Term Ending</i>
McQueen, Carol J.	06/30/2010
Stork, Thom	06/30/2010

The following executive appointment was referred to the Senate Committee on Communications, Energy, and Public Utilities and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 (1) of the Rules of the Florida Senate. The Senate Committee on Communications, Energy, and Public Utilities and the Senate Committee on Ethics and Elections did not consider the following appointments and the appointees were left pending and were not acted on by the Senate upon adjournment of the 2009 Regular Session of the Florida Legislature:

<i>Office and Appointment</i>	<i>For Term Ending</i>
Florida Energy and Climate Commission	
Appointees: Baughman McLeod, Kathy	09/30/2010
Clark, John "J.B." Boston	09/30/2011
Diaz, Nils J.	09/30/2010
Ferguson, Howell L.	09/30/2011
Gladding, Nicholas C.	09/30/2009
Harrison, Debra "Debbie" S.	09/30/2011
Jackson, Timothy T.	09/30/2011
Murley, James F.	09/30/2011
Poindexter, Christian H.	09/30/2011

The following executive appointments were referred to the Senate Committee on Criminal Justice and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 (1) of the Rules of the Florida Senate. The Senate Committee on Criminal Justice considered and recommended the executive appointments. The Senate Committee on Ethics and Elections did not consider the following appointments and the appointees were left pending and were not acted on by the Senate upon adjournment of the 2009 Regular Session of the Florida Legislature:

<i>Office and Appointment</i>	<i>For Term Ending</i>
Board of Directors, Prison Rehabilitative Industries and Diversified Enterprises, Inc.	
Appointees: Lukis, Vicki L.	09/30/2010
Matza, Rochelle S.	09/30/2011
Medina, John A.	09/30/2012
Mehta, Radhika "Radha" V.	09/30/2012

The following executive appointments were referred to the Senate Committee on Education Pre-K - 12 and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 (1) of the Rules of the Florida Senate. The Senate Committee on Education Pre-K - 12 and the Senate Committee on Ethics and Elections did not consider the following appointments and the appointees were left pending and were not acted on by the Senate upon adjournment of the 2009 Regular Session of the Florida Legislature:

<i>Office and Appointment</i>	<i>For Term Ending</i>
State Board of Education	
Appointees: Boulware, Peter	12/31/2009
Martinez, Roberto	12/31/2012

The following executive appointments were referred to the Senate Committee on Environmental Preservation and Conservation and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 (1) of the Rules of the Florida Senate. The Senate Committee on Environmental Preservation considered and recommended the executive appointments. The Senate Committee on Ethics and Elections did not consider the following appointments and the appointees were left pending and were not acted on by the Senate upon adjournment of the 2009 Regular Session of the Florida Legislature:

<i>Office and Appointment</i>	<i>For Term Ending</i>
Environmental Regulation Commission	
Appointees: Glasco-Foderingham, Rhoda	07/01/2009
Miklos, John	07/01/2011
Parks, Paul C.	07/01/2011
Ross, Donald H.	07/01/2011

Office and Appointment

Governing Board of the Northwest Florida Water Management District

Appointee: Rodriguez, Jose Luis 03/01/2012

Governing Board of the St. Johns River Water Management District

Appointees: Bournique, Douglas C. 03/01/2012
Tanzler, Hans G. III 03/01/2012

The following executive appointments were referred to the Senate Committee on Governmental Oversight and Accountability and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 (1) of the Rules of the Florida Senate. The Senate Committee on Governmental Operations and Accountability and the Senate Committee on Ethics and Elections did not consider the following appointments and the appointees were left pending and were not acted on by the Senate upon adjournment of the 2009 Regular Session of the Florida Legislature:

Office and Appointment

Executive Director, Agency for Enterprise Information Technology

Appointee: Taylor, David W. Pleasure of Governor and Cabinet

Participant Local Government Advisory Council

Appointees: Elia, MaryEllen 01/12/2013
Heffner, Patsy 01/12/2013
Nicolai, Karen 01/12/2013
Peterson, John Mark 01/12/2013
Wishner, Roger B. 01/12/2013
Wolfson, Daniel R. 01/12/2013

The following executive appointment was referred to the Senate Committee on Higher Education and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 (1) of the Rules of the Florida Senate. The Senate Committee on Higher Education considered and recommended the executive appointments. The Senate Committee on Ethics and Elections did not consider the following appointments and the appointees were left pending and were not acted on by the Senate upon adjournment of the 2009 Regular Session of the Florida Legislature:

Office and Appointment

Board of Trustees, University of Central Florida

Appointee: Grindstaff, Michael J. 01/06/2013

Board of Trustees, Florida International University

Appointee: Alvarez, Cesar L. 01/06/2013

Board of Trustees, New College of Florida

Appointees: Ruiz, Mary 01/06/2010
Saputo, John W. 01/06/2013

The following executive appointments were referred to the Senate Committee on Transportation and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 (1) of the Rules of the Florida Senate. The Senate Committee on Transportation considered and recommended the executive appointments. The Senate Committee on Ethics and Elections did not consider the following appointments and the appointees were left pending and were not acted on by the Senate upon adjournment of the 2009 Regular Session of the Florida Legislature:

Office and Appointment

Tampa-Hillsborough County Expressway Authority

Appointees: Philips, Donald E. 07/01/2012
Truax, Gregory 07/01/2011

Florida Transportation Commission

Appointees: Conrecode, Thomas E. 09/30/2011
Mazurkiewicz, Joseph "Joe" M., 09/30/2011
Rose, Manuel "Manny" 09/30/2011

Office and Appointment

Walton, Garrett W. 09/30/2011

Respectfully submitted,
JD Alexander, Chair

Mr. R. Philip Twogood Secretary of the Florida Senate May 1, 2009

Dear Mr. President:

Please be advised that the following executive appointments were not acted on by the full Senate upon adjournment of the 2009 Session of the Florida Legislature:

Office and Appointment

Board of Acupuncture
Appointee: Rezmer, Barbara 10/31/2008

Board of Athletic Training
Appointee: Brunett, Marisa A. 10/31/2011

Florida Commission on Community Service
Appointee: Clemons, Scott Wells 09/14/2008

Board of Trustees of Santa Fe College
Appointee: Weingart, Breck A. 05/31/2011

State of Florida Correctional Medical Authority
Appointee: Maya, Victor J. 09/30/2011

Florida Elections Commission
Appointees: Rhodes, Donald W. 12/31/2008
Rossin, Thomas "Tom" E. 12/31/2008
Unger, Karen 12/31/2011

Board of Employee Leasing Companies
Appointee: Schoenfish, Warren H. 10/31/2008

Board of Professional Geologists
Appointee: Poppell, Robert R. 10/31/2008

Juvenile Welfare Board of Pinellas County
Appointee: Minkoff, Elise B. 07/18/2008

Board of Landscape Architecture
Appointees: Bowden, Robert E. 10/31/2009
Walker, Brian 10/31/2010

Board of Orthotists and Prosthetists
Appointee: Lees, Ralph C. 10/31/2011

Pilotage Rate Review Board
Appointees: Corn, Daniel W. 10/31/2011
Elliott, Erica 10/31/2008

The Senate Committee on Ethics and Elections did not consider the following appointees because the terms of the appointments expired:

Scott Wells Clemons; Erica Elliott; Elise B. Minkoff; Robert R. Poppell; Barbara Rezmer; Donald W. Rhodes; Thomas "Tom" E. Rossin; Warren H. Schoenfish

The Senate Committee on Ethics and Elections did not consider the following appointments because the appointee resigned:

Robert E. Bowden; Marisa A. Brunett; Daniel W. Corn; Victor J. Maya; Karen Unger; Brian Walker; Breck A. Weingart

The Senate Committee on Ethics and Elections did not consider the following appointment because the appointee is deceased:

Ralph C. Lees

Respectfully submitted,
JD Alexander, Chair

BEING FULLY ADVISED, and in accordance with the Constitution and the laws of the State of Florida, this Executive Order is issued, effective today:

Section 1. James Robert Richburg is suspended from the Board of Directors of Workforce, Florida, Inc.

Section 2. James Robert Richburg is prohibited from performing any official act, duty, or function of his position; from receiving any pay or allowance; and from being entitled to any of the emoluments or privileges of his position during the period of this suspension, which period shall be from today, until a further Executive Order is issued, or as otherwise provided by law.



IN TESTIMONY WHEREOF, I have hereunto set my hand and have caused the Great Seal of the State of Florida to be affixed, at Tallahassee, the Capitol, this 22nd day of April, 2009.
Charlie Crist
 GOVERNOR

ATTEST:
Kurt S. Browning
 SECRETARY OF STATE

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for HB 293 and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

By Full Appropriations Council on Education & Economic Development, Economic Development & Community Affairs Policy Council and Representative(s) Rogers, Clarke-Reed, Fetterman, Soto, Steinberg—

CS for CS for HB 293—A bill to be entitled An act relating to motor vehicle and mobile home title transfer; amending s. 319.22, F.S.; revising provisions for limitation of liability for the operation of a motor vehicle that has been sold or transferred; providing requirements for notice of transfer to the Department of Highway Safety and Motor Vehicles; requiring an owner or coowner who has made a sale or transfer of a motor vehicle to notify the department; providing requirements for such notification; providing applicability; requiring the department to provide certain information to the motor vehicle owner or coowner when issuing a certificate of title; amending s. 319.33, F.S.; providing alternate disposition procedures for certain motor vehicles and mobile homes abandoned on private property; providing for issuance by the department of a replacement vehicle identification number; providing an effective date.

—was referred to the Committees on Transportation; Judiciary; and Transportation and Economic Development Appropriations.

RETURNING MESSAGES ON SENATE BILLS

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 2198 as amended and that the Senate be asked to concur with the bill as passed as amended by the House, or failing to concur, the House agrees to conference.

CONFEREES APPOINTED

The Speaker of the House appointed the following conferees on **CS for SB 2198**: Chairs: Rivera and Llorente; Members At Large: Bogdanoff, Cannon, Galvano, Hasner, Lope-Cantera, Reagan, Thurston, Saunders,

Mr. R. Philip Twogood May 1, 2009

Secretary of the Florida Senate

Dear Mr. Secretary:

Please be advised that the following appointments were not received by the Florida Senate for consideration in the 2009 Regular Session. Therefore, pursuant to s. 114.05(1)(e), F.S., the Senate took no action on these appointments during the regular session immediately following the effective date of the appointment.

<i>Office and Appointment</i>	<i>For Term Ending</i>
Board of Athletic Training Appointee: Gomez, Gerardo	06/24/2008
Board of Trustees of Manatee Community College Appointee: Lumpkin, Kelvin L.	08/15/2008
Council on Efficient Government Appointee: Yandell, Tim	10/13/2008
Board of Trustees of South Lake County Hospital District Appointee: Solis, Carlos	06/16/2008
Florida Commission on Tourism Appointee: Christian, Ty	04/28/2009

Respectfully submitted,
JD Alexander, Chair

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The following Executive Order was filed with the Secretary:

EXECUTIVE ORDER NUMBER 09-97
 (Executive Order of Suspension)

WHEREAS, James Robert Richburg is presently serving as a member of the Board of Directors of Workforce Florida, Inc.; and

WHEREAS, on April 17, 2009, the Grand Jury for the Second Judicial Circuit, Leon County, Florida, issued an Indictment charging James Robert Richburg with one count of falsifying an official record contrary to Section 838.022(1)(a), Florida Statutes; one count of unlawfully making a false statement contrary to Section 837.02, Florida Statutes; and

WHEREAS, a violation of Section 838.022(1)(a), Florida Statutes, constitutes a felony of the third degree; a violation of Section 837.02, Florida Statutes, constitutes a felony of the third degree; and

WHEREAS, it is in the best interest of the residents of and the citizens of the State of Florida that James Robert Richburg be immediately suspended from the public office which he now holds, upon the grounds set forth in this Executive Order;

NOW, THEREFORE, I, CHARLIE CRIST, Governor of Florida, pursuant to Section 445.004, Florida Statutes, find and state as follows:

A. James Robert Richburg is, and at all times material was, a member of the Board of Directors of Workforce Florida, Inc.

B. The office of Board of Directors of Workforce Florida, Inc., is within the purview of the suspension powers of the Governor, pursuant to Section 445.004, Florida Statutes.

C. The attached Indictment alleges that James Robert Richburg committed acts in violation of the Laws of the State of Florida. This suspension is predicated upon the attached Indictment which is incorporated as if fully set forth in this Executive Order.

Skidmore; Criminal & Civil Justice Appropriations: Chair: Adams; Members At Large: Thompson, N., Rouson, Eisnagle, Planas, Snyder, Soto, Taylor, P.; Government Operations Appropriations: Chair: Hays; Members At Large: Hooper, Braynon, Ford, McBurney, Nelson, Schultz, Williams, A.; Health Care Appropriations: Chair: Ambler; Members At Large: Patronis, Brandenburg, Frishe, Grimsley, Homan, Jones, Kreegel, Renuart; Healthy Seniors Appropriations: Chair: Domino; Members At Large: Anderson, Schwartz, Hudson, Nehr, Pafford; Human Services Appropriations: Chair: Zapata; Members At Large: Holder, Roberson, Y., Roberson, K., Van Zant, Rader, Rogers; Natural Resources Appropriations: Chair: Poppell; Members At Large: Williams, T., Boyd, Bembry, Crisafulli, Fetterman, Mayfield, Plakon, Troutman; PreK-12 Appropriations: Chair: Flores; Members At Large: Legg, Kiar, Adkins, Bullard, Coley, Clarke-Reed, Culp, Fresen, Stargel, Weinstein; State Universities & Private Colleges Appropriations: Chair: Proctor; Members At Large: Precourt, Heller, Burgin, Dorworth, O'Toole, Patterson, Reed, Taylor, D.; State & Community Colleges & Workforce Appropriations: Chair: Weatherford; Members At Large: McKeel, Brise, Kelly, Thompson G., Tobia; Transportation & Economic Development Appropriations: Chair: Glorioso; Members At Large: Evers, Gibbons, Aubuchon, Bovo, Carroll, Drake, Gibson, Horner, Hukill, Long, Murzin, Ray, Sachs, Schenck, Steinberg, Fitzgerald.

Robert L. "Bob" Ward, Clerk

CONFEREES APPOINTED

The President appointed the following conferees on **CS for SB 2198**: 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, Chair; 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.

The action of the Senate was certified to the House.

RETURNING MESSAGES — FINAL ACTION

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 126, CS for SB 538, CS for SB 746, CS for CS for SB 918, CS for CS for SB 1078, CS for SB 1122, CS for SB 1312, CS for CS for CS for SB 1540, SB 2080, CS for CS for SB 2226, CS for CS for SB 2276, and CS for CS for SB 2658; passed SB 166, CS for SB 2158, and CS for SB 2282 by the required constitutional two-thirds vote of the membership of the House; passed CS for SJR 532 by the required constitutional three-fifths vote of the membership of the House.

Robert L. "Bob" Ward, Clerk

The bills contained in the foregoing messages were ordered enrolled.

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment(s) to House Amendment(s) and passed SB 1248 as further amended; concurred in Senate Amendments 3, 4 and 7 to House Amendment 1 and passed CS for CS for SB 360 as further amended.

Robert L. "Bob" Ward, Clerk

The bills contained in the foregoing message were ordered engrossed and then enrolled.

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments 1 and 2 and passed CS for CS for HB 293 as amended; concurred in Senate Amendments 3 and 4 and passed CS for CS for HB 479 as amended; concurred in Senate Amendments 1 and 1A and passed CS for CS for HB 521 as amended; concurred in Senate Amendment 1 and passed CS for HB 597 as amended; concurred in Senate Amendment 1 as amended and passed HB 1021 as amended; concurred in Senate Amendments 1 and 2 and passed CS for HB 1213 as amended; concurred in Senate Amendments 1, 2 and 3 and passed CS for CS for HB 1423 as amended; and concurred in Senate Amendment 1 and passed CS for CS for HB 7031 as amended.

Robert L. "Bob" Ward, Clerk

ENROLLING REPORTS

CS for SB 344 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 1, 2009.

R. Philip Twogood, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 30 was corrected and approved.

CO-INTRODUCERS

Senators Altman—CS for SJR 532, CS for CS for CS for SB 904, CS for CS for SB 1468; Aronberg—CS for SB 2374; Crist—SB 1848; Detert—CS for SB 1380; Gaetz—CS for SB 1006; Joyner—CS for SB 344, CS for CS for SB 918, CS for CS for CS for SB 1128, CS for SB 2240; Lynn—CS for CS for SB 1616, CS for SB 1682, SB 1848, CS for SB 1880, SB 1896, CS for SB 2240, CS for CS for SB 2276, CS for SB 2426, CS for CS for SB 2538, CS for CS for SB 2572, CS for CS for SB 2614, CS for CS for CS for SB 2684; Siplin—CS for SB 910; Storms—CS for SB 2408

RECESS

On motion by Senator Villalobos, the Senate recessed at 7:25 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Friday, May 8 or upon call of the President.